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Codification Guide

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 6]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and are for the purpose of amending the definition of wheat history acreage contained in § 728.1011 to comply with the provisions of Public Laws 85–366, 86–172 and 86–419.

Public Law 85–366 provides that for 1959 and subsequent years the wheat history acreage for a farm for any year in which the farm allotment is knowingly overplanted shall be the farm base acreage for such year, if the farm marketing excess for such year is stored to avoid or postpone payment of the penalty, but if the stored excess is later depleted so that penalty becomes due and payable, the wheat history acreage for such year shall be reduced to the farm acreage allotment for such year. The first and fifth amendments herein are designed to provide in the regulations for such reduction in the farm wheat history acreage.

Public Law 86–172 provides that beginning with the 1960 crop of wheat, except in the case of federally-owned land, the farm wheat history acreage for the current year may be preserved, if as much as 75 per centum of the farm acreage allotment is planted or regarded as planted to wheat during the current year or in either of the two immediately preceding years. The fourth amendment herein provides that if less than 75 per centum of the farm allotment is planted or regarded as planted to wheat in the current year and in each of the two immediately preceding years the wheat history acreage for the current year, for the purpose of determining future acreage allotments, shall be the smaller of (1) the farm base acreage for the current year, or (2) the acreage obtained by multiplying the wheat acreage for the current year (including acreage regarded as planted to wheat) by the current year's county wheat diversion credit factor, which factor shall be the reciprocal of the decimal fraction equal to 75 per centum of the current year's county proration factor. The fourth amendment herein in substantially the same procedure which was applied in prior regulations under which a farm was credited with planting its full wheat allotment if the allotment was substantially fully planted, and it is believed the amendment will provide for the determination of fair and equitable wheat history acreages.

Public Law 86–419, approved April 9, 1960, amended section 334 of the Agricultural Adjustment Act of 1938, as amended, in order to prevent the farm, county and State from losing wheat acreage history when the farm exceeds its acreage allotment but does not produce a marketing quota excess. This law, however, is not applicable to the following types of farms which are exempt from marketing quotas: Farms exempt under the 15-acre, 200-bushel or feed wheat exemption provisions of law. The second, third, sixth and seventh amendments herein are designed to incorporate the provisions of the statute in the regulations.

ASC county committees are preparing to compile data and determine 1961 base acreages preparatory to the establishment of 1961 wheat acreage allotments, and the amendments herein are an integral part of the regulations for determining base acreages and acreage allotments. Accordingly, it is hereby found and determined that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon their publication in the FEDERAL REGISTER.

1. Section 728.1011(f)(5)(iii) is amended to read as follows:

(iii) For 1959, for any old or new farm knowingly overplanted to which a wheat marketing quota was not applicable, or for which a farm marketing excess was determined and the penalty for such excess was not postponed or avoided by storage or delivery of the excess in accordance with § 728.879 or § 728.880 and became due and payable, or for which the penalty was avoided by storage of the excess wheat under applicable regulations but such excess stored wheat was depleted and the penalty became due, or for which a feed wheat exemption under section 335(f) of the Act was in effect, the 1959 farm allotment;

2. Section 728.1011(f)(5)(iv) is amended to read as follows:

(iv) For 1959, for any old farm knowingly overplanted for which the farm marketing excess was adjusted to zero pursuant to § 728.862 of the wheat marketing quota regulations (23 F.R. 2556), or for which a farm marketing excess was determined and the excess was stored or delivered to the Secretary under regulations issued by the Department, the 1959 base acreage as determined under § 729.917;

3. Section 728.1011(f)(5)(v) is amended to read as follows:

(v) For 1959, for any new farm knowingly overplanted for which the farm marketing excess was adjusted to zero pursuant to § 728.862 of the wheat marketing quota regulations (23 F.R. 2556), or for any new wheat farm knowingly overplanted and for which a farm marketing excess was determined and the excess was stored or delivered to the Secretary under regulations issued by the Department, the final allotment determined for the farm under applicable regulations multiplied by the county wheat diversion credit factor. The diversion credit factor will be the reciprocal of a decimal fraction which is 100 per centum of the county proration factor as determined under applicable regulations for 1959.

4. Section 728.1011(f)(6)(iii) is amended to read as follows:

(iii) For 1960 and any subsequent year, for any old farm other than a federally owned farm for which a farm allotment was determined for the current year and less than 75 percent of the farm allotment for the current year and for each of the two immediately preceding years was actually planted to wheat or regarded as planted to wheat under the Soil Bank Act and the Great Plains program, the smaller of the farm base acreage for the current year or the acreage obtained by multiplying the wheat acreage for the current year, including the acreage regarded as planted to wheat under the Soil Bank Act and the Great Plains program for the current year, by the current year's county wheat diversion credit factor. The diversion credit factor will be the reciprocal of a decimal fraction which is 75 per centum of the county proration factor as determined under applicable regulations for the current year;

5. Section 728.1011(f)(6)(v) is amended to read as follows:

(v) For 1960 and any subsequent year, for any old or new farm knowingly overplanted to which a wheat marketing quota is not applicable, or for which a farm marketing excess was determined and the penalty on such excess was not postponed or avoided by storage or delivery of the excess in accordance with § 728.879 or § 728.880 and became due and payable, or for which the penalty was avoided by storage of the excess wheat under applicable regulations but such excess stored wheat was later depleted and the penalty became due, or for which a feed wheat exemption under section 335(f) of the Act was in effect for the current year, the farm allotment for such year;

6. Section 728.1011(f)(6)(vi) is amended to read as follows:

(vi) For 1960 and any subsequent year, for any old farm knowingly over-

planted for which the far marketing excess was adjusted to zero pursuant to § 728.862 of the wheat marketing quota regulations (23 F.R. 2556), or for which a farm marketing excess was determined and such excess was stored or delivered to the Secretary under applicable regulations issued by the Department, the current base acreage determined under applicable regulations;

7. Section 728.1011(f)(6)(vii) is amended to read as follows:

(vii) For 1960 and any subsequent year, for any new farm knowingly overplanted for which the farm marketing excess was adjusted to zero pursuant to § 728.862 of the wheat marketing quota regulations (23 F.R. 2556), or for any new farm knowingly overplanted and for which a farm marketing excess was determined and the excess was stored or delivered to the Secretary under regulations issued by the Department, the final allotment determined for the farm under applicable regulations multiplied by the current year's county wheat diversion credit factor. The diversion credit factor will be the reciprocal of a decimal fraction which is 100 per centum of the county proration factor as determined under applicable regulations for the current year.

(Secs. 334, 52 Stat. 53, as amended, 375, 52 Stat. 66, 377, 70 Stat. 206, as amended; 7 U.S.C. 1334, 1375, 1377)

Issued at Washington, D.C., this 18th day of April 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-3688; Filed, Apr. 21, 1960; 8:50 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 855.8]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1961 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 855.8 Proportionate shares for sugarcane farms in the mainland cane sugar area for the 1961 crop.

(a) *Definitions.* (1) "Acreage" or "acres" as used in this section means the area of sugarcane within the farm proportionate share on which sugarcane is grown and marketed (or processed) for the extraction of sugar or liquid sugar, or which is harvested for seed or abandoned and classified as bona fide abandonment under procedure issued by the Commodity Stabilization Service.

(2) The term "operator" as used in this section means the person who as producer controls and directs the operations on the farm.

(3) The term "Secretary" as used in this section means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) *Farm proportionate share.* The 1961-crop proportionate share for each sugarcane farm in the Mainland Cane Sugar Area, as constituted at the beginning of harvest of the 1961 crop on such farm, shall be the acreage of sugarcane thereon.

(c) *Credit for sugarcane acreage.* For possible use in establishing proportionate shares of subsequent crops, the subdivisions of any farm which is subdivided for the 1961-crop season shall be credited with the sugarcane acreage record of the crop years 1957 through 1960 of such farm by apportioning such record among the subdivisions on the basis of the cropland suitable for the production of sugarcane in such subdivisions and the farm. However, if the local Agricultural Stabilization and Conservation County Committee (hereinafter referred to as "County Committee") determines that the use of the cropland relationship in any case is materially inconsistent with the acreage of sugarcane grown on any subdivision during the crop years 1957 through 1960 or is not representative of the sugarcane acreage growing on any subdivision, or if all persons concerned in the subdivision of such farm file a written request with the county committee which is approved by the county committee, such subdivisions shall be credited with the acreage of sugarcane grown within farm proportionate shares on each subdivision during such four crop years or the portions of the 1957–60 acreage record of the farm determined on the basis of the acreage of sugarcane growing on each subdivision.

(d) *Transfer of credit for sugarcane acreage.* For the purpose of establishing farm proportionate shares for subsequent crops, the sugarcane production record for any of the crop years 1957 through 1960 of any land removed from sugarcane production either because of transfer of such land by sale, lease or donation to any Federal, State or other agency or entity, having the right of eminent domain, or because of transfer of such land to such an agency or entity for use primarily for the production of sugarcane for experimental purposes, shall, upon application to the appropriate Agricultural Stabilization and Conservation State Office (referred to in this section as "State Office") within three years from the date of such transfer, be added to the sugarcane production record for such crop years, if any, of other land within the State owned or purchased by the owner of the land so transferred.

(e) *Eligibility for payment under the Act.* The eligibility of any producer of sugarcane for payment under the act shall be subject to the following conditions:

(1) That the number of share tenants or sharecroppers engaged in the production of sugarcane of the 1961 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the State Committee. In considering such approval, the Agricultural Stabilization and Conservation State Committee (hereinafter referred to as "State Committee") shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer;

(2) That the producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect; and

(3) That the requirements of the act with respect to child labor and the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugarcane shall have been met.

(f) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1961-crop season shall be made on Form SU–120 by a producer on the farm (as used in this section the term "producer" means any person who is the legal owner at the time of harvest or abandonment of a portion or all of the crop of sugarcane grown on the farm for the extraction of sugar or liquid sugar) or his legal representative or heirs who must sign and file the form in the county office for the county where the farm or major portion thereof is located or with a representative of such office no later than June 30, 1963.

(g) *Determination of eligibility and basis for payment and appeals for review thereof.* Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof shall be determined by the county committee. Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider such determination. The county committee shall notify the producer of its decision in writing. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the State Committee. The State Committee shall, after giving the producer an opportunity to appear before the committee, if so requested, notify the producer

of its decision in writing within 30 days after the submission of the appeal. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the date of mailing of the decision to him, request the Secretary to review the decision of the State Committee. The decision of the Secretary shall be final. Determinations by the County and State Committees and reviews thereof shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case.

(h) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the county committee in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the State Committee or the Secretary in reviewing, upon appeal, any such determination by the County Committee, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of Chapter VII of this title (24 F.R. 4223), as amended. In the absence of a provision in such Part 718 for obtaining any such information, any employee of the county committee or employees of the State Committee designated respectively by the county office manager or by the State Administrative Officer to be qualified to perform such a duty may obtain such information. If the operator, or his representative, of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

STATEMENT OF BASES AND CONSIDERATIONS

Extension of Sugar Act, as amended. This determination is being issued on the assumption that the Sugar Act of 1948, as amended, will be extended beyond the present expiration date of December 31, 1960, and will be effective for the 1961 crop, and that Title III under which this determination is issued will not be substantially changed. If this assumption proves to be incorrect in that the Sugar Act of 1948, as amended, is allowed to expire on January 1, 1961, this determination will not become effective, or if Title III is amended, changes in this determination will be made as are required by such amendment.

Sugar Act requirements. Section 301 (b) of the act provides as a condition for payment to producers that there shall not have been marketed (or processed), except for livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm as determined by the Secretary pursuant to section 302 of the act. For the Mainland Cane Sugar Area, the term "proportionate share" means the individual farm's share of the total acreage of sugarcane required to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary, for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302(a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm.

Section 302(b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers and of producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, storm, freeze, flood, disease, insects, or other similar abnormal and uncontrollable conditions.

General. Pursuant to the foregoing provisions of the act, proportionate shares for sugarcane farms are established for each crop since the marketing of sugarcane within such shares by producers constitutes one of the conditions for payment. Restrictive proportionate shares are required in any area only when the indicated production will be greater that the quantity needed to fill the quota and provide a normal carryover inventory for such area.

When the 1960-crop determination was issued on May 25, 1959, available information indicated that 1959-crop production would, in the absence of a freeze, approximate the probable quota level for the 1959 calendar year and that the effective inventory on January 1, 1960, would be between 138,000 and 215,000 tons. It was believed that an inventory as high as 215,000 tons would result only if substantially higher-than-average yields would be attained on the 1959-crop acreage. Since such an inventory would not be excessive and in view of the overwhelming sentiment of producers for uncontrolled acreage, the 1960 crop was not restricted.

The 1959 marketing quota for the Mainland Cane Sugar Area was established finally at about 698,000 tons, after substantial increases resulting principally from Puerto Rican and Hawaiian quota deficits. Because of freeze damage during harvest, only about 612,000 tons of sugar were produced from the 1959 crop, and the area was able to market only 578,000 tons of sugar. The resultant effective inventory on January 1, 1960, was 175,000 tons, well within the estimated range and representing only a modest increase of 35,000 tons from the January 1, 1959, level.

Situation indicated for 1961. Based upon available information, including estimates from grower and processor representatives, on the acreage of sugarcane that will probably be utilized for sugar, and assuming that the yields of sugar per acre will be about the same as the average realized for the past five years, sugar production from the 1960 crop should approximate the probable quota for the area as finally adjusted for deficits in other areas. In this situation, the effective carryover on January 1, 1961, would be about the same (175,000 tons) as on January 1 of this year. If sugar yields per acre were to equal the yields from the 1956 crop, which were the highest of record, the effective inventory on January 1, 1961, would be about 240,000 tons.

Industry recommendations. Representatives of growers and processors in the Mainland Cane Area have unanimously recommended that 1961-crop proportionate shares be non-restrictive. Also, in the interest of expediting the issuance of this determination, it was suggested by the industry that the usual public hearing, held with respect to each sugarcane crop since 1953, would not be necessary. The estimates of 1961-crop acreage and production, which accompanied the industry recommendations, clearly support the propriety of non-restrictions as well as the fact that excessive inventories will not result. These recommendations were made with the full realization that substantial cutbacks in acreage would be necessary in later years in the event excess stocks accumulate and without any expectations of any form of Government assistance with respect to such excess stocks.

Taking into consideration industry estimates with respect to acreages and production for both the 1960 and 1961 crops, and the probable final quotas for the two calendar years, an effective inventory of about 200,000 tons of sugar would be expected on January 1, 1962. The production estimates from the Louisiana and Florida Agricultural Stabilization and Conservation State Offices would indicate only a slightly higher inventory level. It is unlikely that the inventory when finally determined would exceed 300,000 tons.

Determination. This determination provides that the 1961-crop proportionate share established for each farm shall be the acreage of sugarcane which is grown and marketed (or processed) for the extraction of sugar or liquid sugar, or which is harvested for seed or abandoned and classified as bona fide abandonment. In making this determination, consideration has been given to the recommendations of processor and grower organizations and interested persons,

and to the factors which may influence the acreages of sugarcane utilized for sugar for both the 1960 and 1961 crops, as well as the resultant sugar production therefrom.

If the area is to be assured of ability to market its share of United States requirements as provided by the Sugar Act, a carryover considerably in excess of that (175,000 tons) on January 1 of this year is needed. While the realization for both the 1960 and 1961 crops of the highest yields of sugar per acre attained heretofore would result in a very substantial increase in carryover on January 1, 1962, such inventory would not be unmanageable.

It is recognized that unrestricted production could result in some undesirable expansion of acreage, including the uneconomic use of marginal land, primarily to build up a record. Furthermore, a substantial cutback in acreage might be required in some future year. These matters are of concern to the Department. Since sugarcane is a perennial crop, drastic adjustments from recent acreages must be minimized when and if acreage controls are reimposed. On the other hand, a nonrestrictive program in 1961 will be helpful in permitting a continuation of adjustments of sugarcane acreage within mill areas to levels more in line with mill capacities than those permitted under a restrictive program. It will also permit growers with uneconomically small operations the choice of expanding or discontinuing production. Finally, restrictions are burdensome on persons affected and expensive to the Government to administer and should, therefore, be avoided whenever possible.

Recognizing the overwhelming sentiment of interested persons for uncontrolled acreage in 1961, and the continuing hazard of freeze damage, it appears that the advantages of uncontrolled acreages in 1961 far outweigh the possible distress in later years if extensive cutbacks of acreage then become necessary.

The provisions of this determination with respect to (1) farms removed from sugarcane production because of transfer to any agency or entity having the right of eminent domain, (2) the division or combination of acreage records for historical purposes, and (3) the general requirements are substantially the same as those included in the 1960-crop determination.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Issued this 18th day of April 1960.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60-3656; Filed, Apr. 21, 1960; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 131]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 955.392 Grapefruit Regulation 131.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on April 14, 1960, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., April 24, 1960, and ending at 12:01 a.m., P.s.t., September 1, 1960, no handler shall handle:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3\frac{6}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{6}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a straight line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 19, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-3684; Filed, Apr. 21, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

[Airspace Docket No. 59–WA–425; Amdt. 2]

PART 409—PROCEDURES AND RULES FOR AIRSPACE ASSIGNMENT AND UTILIZATION

Scope and Applicability

Part 409 of the regulations of the Federal Aviation Agency, Procedures and Rules for Airspace Assignment and Utilization, was published in the FEDERAL

REGISTER on May 1, 1959 (24 F.R. 3498), to become effective May 15, 1959. Amendment No. 1 thereto (affecting § 409.11), which related to the scope and applicability of Part 409, was published in the FEDERAL REGISTER on May 16, 1959 (24 F.R. 3972), and became effective on that date. Such amendment modified the preamble to Part 409 by specifically stating that the part was not applicable to exceptions which may be authorized under section 307(f) of the Act for military emergency or necessity. It also limited the scope of the part to the types of rule-making actions specified in § 409.11(b) and the applicability of the part to airspace assignments within the United States.

On November 27, 1959, the President issued Executive Order 10854 (24 F.R. 9565) which, to the extent necessary to permit the Administrator to accomplish the purposes and objectives of Titles III and XII, extended the application of the Federal Aviation Act of 1958 (72 Stat. 731; 49 U.S.C. 1301) to those areas of land or water outside the United States and the overlying airspace thereof over or in which the Federal Government of the United States, under international treaty, agreement or other lawful arrangement, has appropriate jurisdiction or control.

This grant of authority was made subject to the provision that the Administrator is required to consult with the Secretary of State on matters affecting foreign relations and with the Secretary of Defense on matters affecting defense interests, prior to taking any action under the authority of the Executive Order. Moreover, the Executive Order precluded the Administrator from taking any action which the Secretary of State determines to be in conflict with any international treaty or agreement to which the United States is a party or to be inconsistent with the successful conduct of the foreign relations of the United States, or which the Secretary of Defense determines to be inconsistent with the requirements of national defense.

Assignments of airspace authorized by the Executive Order will be processed under Part 409. It, therefore, becomes necessary to amend the part so that it will have applicability to airspace outside the United States. Additionally, it has now become evident to the Federal Aviation Agency that the limitation of the scope of Part 409 to the types of assignments of airspace specified in § 409.11(b) is undesirable since it will entail a separate amendment of these procedural regulations whenever it becomes necessary to make an assignment of airspace of a type not hitherto utilized. For example, on November 5, 1959, the Federal Aviation Agency issued a notice of proposed ruling (Regulatory Docket No. 168; Draft Release 59-17; 24 F.R. 9020) which contemplates a new type of an assignment of airspace to be known as an "airport traffic pattern area". Moreover, it is believed that the reference in the preamble of Part 409 to section 307(f) of the Federal Aviation Act is unnecessary especially since § 409.11 (a), which relates to the scope and effect of the part, specifically states that the part "establishes the procedures to be followed in the initiation, administrative processing, issuance, and publications of rules, regulations, or orders issued pursuant to the authority contained in section 307(a) of the Federal Aviation Act of 1958".

As the simplest means of providing appropriate procedures for implementing the Executive Order and expediting assignments of airspace through the rule-making process, Amendment No. 1 to Part 409 is being revoked, thus returning these procedural regulations to their original provisions.

Since this amendment is procedural in nature and does not impose an additional burden on any person, compliance with the notice, public procedures and effective date provisions of section 4 of the Administrative Procedure Act is not necessary.

In consideration of the foregoing, Amendment 1 to Part 409 of the Regulations of the Federal Aviation Agency (24 F.R. 3498; 24 F.R. 3972), is revoked.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 15, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-3711; Filed, Apr. 21, 1960; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Registration by Small Business Investment Companies; Use of Notification

On March 15, 1960, the Securities and Exchange Commission published notice that it had under consideration the adoption of a rule under the Investment Company Act of 1940 which would allow a small business investment company to comply with section 14(a) of the Act by filing a notification as provided in Rule 604 of Regulation E promulgated under the Securities Act of 1933. The Commission, in that notice, invited all interested persons to comment upon the proposal. The Commission received no comments in opposition and has determined to adopt such rule in the form set forth below.

Section 14(a) provides that no registered investment company and no principal underwriter for such a company, shall make a public offering of securities of which such company is the issuer, unless it has a net worth of not less than $100,000 or unless provision is made in connection with and as a condition of the registration of such securities under the Securities Act of 1933 which in the opinion of the Commission adequately insures (A) that after the effective date of such registration statement such company will not issue any security or receive any proceeds of any subscription for any security until firm agreements have been made with such company but not more than twenty-five responsible persons to purchase from it securities to be issued by it for an aggregate net amount which amount plus the then net worth of the company, if any, will equal at least $100,000; (B) that said aggregate net amount will be paid in to such company before any subscriptions for such securities will be accepted from any persons in excess of twenty-five; (C) that arrangements will be made whereby any proceeds so paid in, as well as any sales load, will be refunded to any subscriber on demand without any deduction, in the event that the net proceeds so received by the company do not result in the company having a net worth of at least $100,000 within ninety days after such registration statement becomes effective.

Before the adoption of such rule an investment company could comply with the provisions of this section of the Act only in connection with registration as required by the Securities Act of 1933. Regulation E promulgated under the Securities Act of 1933 provides, however, that securities issued by any small business investment company operating under the Small Business Investment Act of 1958 which is registered under the Investment Company Act of 1940 shall be exempt from registration under the Securities Act of 1933 (subject to certain exceptions and qualifications set out in that regulation which, among other things, limits the exemption to an offering by an issuer that does not exceed $300,000). Rule 604 under this regulation provides for filing of a Notification with the Commission in lieu of full registration under the Securities Act of 1933.

The rule adopted provides that, for the purpose of section 14(a) of the Act, Notification under Rule 604 of Regulation E promulgated under the Securities Act of 1933 is deemed registration under that Act.

The rule will, in the Commission's view, tend to effectuate the purposes and objectives of the Small Business Investment Act without adversely affecting the public investor interest or achievement of the statutory purposes of the Investment Company Act of 1940. This action is taken pursuant to the provisions of section 6(c) and 38(a) of the Investment Company Act of 1940. The text of the rule follows:

§ 270.14a–1 Use of notification pursuant to regulation E under the Securities Act of 1933.

For the purposes of section 14(a)(3) of the Act, registration of securities under the Securities Act of 1933 by a small business investment company operating under the Small Business Investment Act of 1958 shall be deemed to include the filing of a notification under Rule 604 of Regulation E promulgated under said Act if provision is made in connection with such notification which in the opinion of the Commission adequately insures (a) that after the effective date of such notification such company will not issue any security or receive any proceeds of any subscription for any security until firm agreements have been made with such company by not more than twenty-five responsible persons to purchase from it securities to be issued by it for an aggregate net amount which plus the then net worth of the company, if any, will equal at least $100,000; (b) that said aggregate net amount will be paid into such company before any subscriptions for such securities will be accepted from any persons in excess of twenty-five; (c) that arrangements will be made whereby any proceeds so paid in, as well as any sales load, will be refunded to any subscriber on demand without any deduction, in the event that the net proceeds so received by the company do not result in the company having a net worth of at least $100,000 within ninety days after such notification becomes effective.

Effective: April 13, 1960.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 13, 1960.

[F.R. Doc. 60–3658; Filed, Apr. 21, 1960; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments are issued to this subchapter:

PART 1001—GENERAL PROVISIONS

Subpart A—Introduction

1. Sections 1001.101, 1001.102 and 1001.104 are revised to read as follows:

§ 1001.101 Purpose of subchapter.

The Air Force Procurement Instruction is issued by the Commander, Air Materiel Command, by authority of the Secretary of the Air Force, delegated through the Deputy Chief of Staff, Materiel, Hq USAF. It implements the Armed Services Procurement Regulation (ASPR), Subchapter A, Chapter 1 of this title, and establishes for the Air Force uniform policies and procedures for the procurement of supplies and services under the authority of Chapter 137, Title 10 of the United States Code or other laws.

§ 1001.102 Applicability of subchapter.

The Air Force Procurement Instruction applies to all procurements of supplies or services which obligate appropriated funds (including contract authorizations). If a particular part, subpart, or section has a limited application, it will so state.

§ 1001.104 Content of instruction.

The Air Force Procurement Instruction will contain all policies, procedures, and instructions relating to procurement of supplies and services within the Air Force, except those contained in the Armed Services Procurement Regulation (Chapter 1, Subchapter A of this title), and those contained in AFR 5–20. It will include all policies and procedures prescribed by the Secretary, Chief of Staff, USAF, Deputy Chief of Staff, Materiel, USAF, as well as all operating policies, procedures, and instructions prescribed by the Commander, Air Materiel Command, within the scope of his authority as sole head of a procuring activity.

§ 1001.109–50 [Amendment]

2. In § 1001.109–50 the symbol in the last line of paragraph (a) is changed from "MCPPP" to "MCPC."

Subpart B—Definition of Terms

1. In § 1001.201–9, paragraph (a) is revised as follows:

§ 1001.201–9 Sources of supplies.

(a) The following definition applies to contracts for supplies which will be manufactured and furnished outside the United States, its Territories, Puerto Rico, or the Virgin Islands. The term "sources of supplies" includes:

* * * * *

(4) * * *

(ii) A person (or firm) who owns, operates, or maintains a place of business, regularly engaged in the importing and exporting business, provided the items being procured are not to be imported from within the United States, its Territories, Puerto Rico, or the Virgin Islands.

2. Sections 1001.201–10 to 1001.201–22 are added as follows:

§ 1001.201–10 Department of Defense.

See § 1.201–10 of this title.

§ 1001.201–11 Shall.

See § 1.201–11 of this title.

§ 1001.201–12 May.

See § 1.201–12 of this title.

§ 1001.201–13 Includes.

See § 1.201–13 of this title.

§ 1001.201–14 United States.

See § 1.201–14 of this title.

§ 1001.201–15 Territory.

See § 1.201–15 of this title.

§ 1001.201–16 Possessions.

See § 1.201–16 of this title.

§ 1001.201–17 Armed Services Procurement Act.

See § 1.201–17 of this title.

§ 1001.201–18 Negotiate and negotiation.

See § 1.201–18 of this title.

§ 1001.201–19 Small business concerns.

See § 1.701–1 of this title.

§ 1001.201–20 Contract modification.

See § 1.201–20 of this title.

§ 1001.201–21 Amendment and supplemental agreement.

See § 1.201–21 of this title

§ 1001.201–22 Change orders.

AMC Centers, AMC field procurement activities, AMFEA, and Air Defense Command will not use Change Orders (AFPI Forms 13) when the criteria of § 1001.201–50 and Subpart C, Part 1054 of this chapter, concerning Contract Change Notifications (AFPI Forms 35) are applicable. This restriction applies only to central procurement activities.

3. Section 1001.201–50 is deleted and the following substituted therefor:

§ 1001.201–50 Contract change notification.

Contract Change Notification is a written order signed by the contracting officer directing the making of changes of the kind authorized by the provisions of the contract in the supplies or services called for thereunder, and usually containing an estimated price or cost for such changes. Following such a written order, the necessary revisions in other provisions of the contract which are brought about by such order will be made by a supplemental agreement which will establish the firm price or cost. CCN's will be used according to Subpart C, Part 1054 of this chapter.

4. Sections 1001.201–59 and 1001.201–60 are deleted and the following substituted therefor:

§ 1001.201–59 Foreign central procurement activity.

Foreign Central Procurement Activity means any AMC installation that is engaged in central procurement and is located outside the United States, its Territories or possessions and the commonwealth of Puerto Rico.

§ 1001.201–60 Oversea commands.

Oversea Commands includes major air commands located in Territories and possessions of the United States as well as those in foreign countries.

§ 1001.201–61—1001.201–67; 1001.201–70 [Deletion]

5. Sections 1001.201–61 through 1001.201–67, and 1001.201–70, are deleted.

6. Section 1001.201–71 is revised to read as follows:

§ 1001.201–71 Title I and Title II Architect-Engineer Services.

(a) Title I Architect-Engineer Services means any services required to be furnished by an architect-engineer in connection with the preparation, coordination, and approval of preliminary

and final designs, drawings, specifications, estimates of cost, and other technical documents and data essential to the development of advance and master plans, military construction projects (including family housing projects) and the maintenance, alteration and repair of constructed facilities. Title I may include reviewing, checking, coordinating and recommending approval of shop drawings and materiel samples submitted by construction contractors to assure that they conform to the requirements and intent of the approved construction contract drawings and specifications when no Title II contract is to be let.

(b) Title II Architect-Engineer Services means any services required to be furnished by an architect-engineer in connection with the general supervision and detailed field inspection of the construction of a project to ensure that all phases of the construction work are performed in strict compliance with the intent and requirements of the approved construction contract documents, and the furnishing of such other technical services during the construction period as may be required and specified. Title II includes post construction architect-engineers services, such as: assisting in final inspection, preparing "as built" drawings, supervising operating and other tests, and preparing operating and maintenance instructions.

Subpart C—General Policies

§ 1001.300 [Deletion]

1. Section 1001.300 is deleted.

2. Sections 1001.302–1, 1001.302–2 and 1001.302–3 are added as follows:

§ 1001.302–1 Government agencies.

See § 1.302–1 of this title.

§ 1001.302–2 Sources outside the Government.

See § 1.302–2 of this title.

§ 1001.302–3 Production and research and development pools.

See § 1.302–3 of this title.

(a) Description: See § 1.302–3(a) of this title.

(b) General rule: A pool designated by the administrator of the SBA as a "small business pool" is subject to the policies and procedures set forth in Subpart G, Part 1 of this title and Subpart G of this part.

(c) Ascertainment of status: In any case where the award of a contract to a group reporting itself as a production or research and development pool is contemplated, the contracting officer will request the small business specialist in the APD within whose geographical boundaries the pool is located to obtain from the SBA for forwarding to the contracting officer the following:

(1) A copy of the SBA or OCDM notification of approval of the pool.

(2) A list of the member companies of the pool and a statement regarding the type of organization and plan of operation of the pool.

(d) and (e). See § 1.302–3 (d) and (e) of this title.

3. Section 1001.302–4 is deleted and the following substituted therefor:

§ 1001.302–4 Foreign purchases.

See Part 6 of this title and Part 1006 of this chapter.

4. Sections 1001.305 to 1001.305–3 are deleted and the following substituted therefor:

§ 1001.305 Specifications, plans, and drawings.

§ 1001.305–1 General.

(a) Specifications and purchase descriptions will be prepared with the presumption that the method of procurement will be advertising. The question whether specifications or purchase descriptions are unduly restrictive of competition goes to the essence of the contract and in the event of protest is subject to review by the General Accounting Office. (See § 1002.407(e) of this chapter.) However, in stating the actual minimum needs of the Government, specifications or purchase descriptions used for advertised procurements will not be unduly restrictive of competition if the product or equipment of one or more manufacturer does not meet these minimum requirements.

(b) Specifications must be carefully reviewed by contracting officer to assure that they are sufficiently specific to state positively the requirements of the IFB or RFP. If options exist as to types or grades of material, method of inspection, number or types of samples, test requirements, etc., the IFB or RFP must state specifically the basis upon which bids are to be submitted. Where approval requirements (preproduction sample approval, process or manufacturing specification approval, etc.) are contained in the specifications, the IFB or RFP will contain a delivery schedule reflecting such requirements.

§ 1001.305–2 Mandatory specifications.

(a) The following types of specifications are authorized for use in the order of preference as listed below. These specifications will be considered by all AF personnel as suitable for formally advertised procurement.

(1) Federal Specifications. Examples are W–R–151, QQ–A–3562, PPP–B–601.

(2) Fully coordinated military specifications. Examples are: MIL–C–823B, JAN 1–7, MIL–M–6176.

(3) Limited Coordination Military Specifications (ASG-Aeronautical Standards Group) examples are MIL–F–62188 (ASG), MIL–L–25336 (ASG).

(4) Limited Coordinated Military Specifications (USAF). Examples are: MIL–S–8750 (USAF), MIL–8–8743A (USAF).

(5) Limited Coordinated Military Specifications (other than USAF). Examples are: MIL–C–13664 (Ord), MIL–C–13745 (Sig C), MIL–V–13612 (CE), MIL–R–18059 (Aer. MIL–W–19583 (Navy), MIL–L–18045 (Ships).

(6) Specifications of other Government Agencies. Examples are: CAA–293, GSA–312.

(7) Specifications of Non-Government Agencies. These specifications are approved for general use only when listed in ANA Bulletin 147 or ANA Bulletin 343 or if specifically approved for a particular AF use by the appropriate engineering activity.

(b) Specifications or purchase descriptions are not required for spare parts, components, or materials required for existing stocks of material or for maintenance and operation of established installations, provided the item description used includes the sources' part number or drawing number and refers to the model designation and manufacturer's name and address of the equipment with which the item is to be used. The above items will be considered for formal advertising under the conditions described herein only when the items to be procured are predominantly commercial type items and two or more sources of supply are available for competition.

(c) See § 1.305–2(c) of this title.

(d) Paragraph (a) of this section provides that the types of specifications listed therein will be considered by all AF personnel as suitable for formally advertised procurement. In the event the specification is proven inadequate by formally advertising with no responsive bids received, the contracting officer will obtain approval for the specific deviations involved from the engineering activity controlling the specification before further procurement action is taken.

§ 1001.305–3 Availability of specifications, plans, and drawings.

At least one copy of each referenced drawing, plan, or specification will be on file at the AF installation which issues the IFB or RFP prior to such issuance.

5. In § 1001.305–6, a new paragraph (c) is added as follows:

§ 1001.305–6 Purchase descriptions.

* * * * *

(c) The provision set forth in § 1.305–6(c)(2) of this title entitled "Brand Name or Equal" is not applicable to contracts for construction, rehabilitation and repair of buildings or structures.

6. Section 1001.305–7 is added as follows:

§ 1001.305–7 Alternate articles or qualities.

Alternate bids may be used where the Government wishes to have a certain quality of work done or items delivered, but the cost of such work or items may be so high that the Government's interest will require procurement of a lesser quality. (See also § 1002.2003–6 of this chapter.)

7. Section 1001.306–1 is added as follows:

§ 1001.306–1 General.

In giving consideration to transportation factors, contracting officers should call upon transportation officers for advice and assistance as required.

8. Sections 1001.306–2 and 1001.306–3 are deleted and the following substituted therefor:

§ 1001.306–2 Place of delivery.

(a) to (b). See § 1.306–2 (a) to (b) of this title.

(c) Shipments originating outside the United States: Instructions concerning place of delivery to be specified for materials procured in Europe or Japan, when water shipment is to be made, are contained in § 1006.651 of this chapter. In the absence of specific instructions, the contracting officer will request the advice of the local transportation officer in determining the most appropriate place of delivery to be specified in procurement involving shipments originating outside the United States.

§ 1001.306–3 Quantity analysis.

See § 1.306–3 of this title.

§ 1001.306–50 [Deletion]

9. Section 1001.306–50 is deleted.

10. Section 1001.307 is revised to read as follows:

§ 1001.307 Responsible prospective contractor.

See § 1002.403(a)(2)(iii) of this chapter, Subpart F of this part, and Part 1052 of this chapter.

11. Sections 1001.309 to 1001.312 are added as follows:

§ 1001.309 Preference for United States-flag privately owned ocean carriers.

(a) to (d). See § 1.309 (a) to (d) of this title.

(e) Pending issuance of further instructions, no report is required to be submitted. Transportation officers will maintain records of shipments and other data according to § 1.309(e)(1)(i) of this title in the event reporting is required at a later date.

§ 1001.310 Procurement by barter; Commodity Credit Corporation.

See § 1.310 of this title.

§ 1001.311 Records of contract actions.

See § 1.311 of this title.

§ 1001.312 Solicitations for informational or planning purposes.

Request for Quotations for informational or planning purposes may be issued only with prior approval of the Director of Procurement and Production, Hq AMC. Requests for prior approval, setting forth complete justification, will be forwarded to AMC (MCPP).

12. Sections 1001.352 to 1001.355 are added as follows:

§ 1001.352 Individuals authorized to initiate purchase requests.

(Not applicable to base procurement activities supporting oversea bases according to AMCR 23–6, e.g., USAF logistic control groups and SMAMA.) A list of all individuals authorized to initiate Purchase Requests will be obtained and maintained by each base procurement office. In addition, a specimen signature on DD Form 577 "Signature Card," will be filed for each individual on the list.

§ 1001.353 Utilization of funds.

By law, funds are required to be used only for the purpose for which they were appropriated and no other. Moreover, obligations must not be incurred unless funds are available. Where essentially similar items are procured, whether on one or more contracts, the same funds must be cited. Similarly, where contracts are amended, as, for example, to make changes or additions to work called for under a construction contract, which changes are essentially the same character of work, only construction funds should be used. This is not intended to preclude the citation of different, but appropriate, funds for different supplies or services in the same contract where such supplies or services are properly being procured under one contract.

§ 1001.354 Discount expedite.

The words "Discount-Expedite" will be stamped prominently by the initiating office on the original and copies of all purchase instruments when a cash discount is involved; furthermore, the discount terms will be underscored or circled in red.

§ 1001.355 Relations between GAO and Air Force personnel.

It is the policy of the Air Force to require full cooperation between its personnel and the General Accounting Office in their relationship with contractors concerning that agency's examination of contractor's records and supporting data, pursuant to the contractual clause of each contract emanating from the statutory right provided by the Congress. Where adequate cooperation cannot be obtained from the contractor by the GAO and the local AF representative, the matter will be referred to AMC (MCGL) for advice, assistance, and resolution.

Subpart D—Procurement Responsibility and Authority

1. In § 1001.402, paragraphs (a), (b), and (e) are revised to read as follows:

§ 1001.402 General authority of contracting officers.

(a) According to the provisions of Subchapter A, Chapter I, of this title and this subchapter, any contracting officer is hereby authorized to enter into contracts on approved forms for supplies and services on behalf of the Government and in the name of the United States of America, whether by formal advertising or by negotiation. Unless otherwise specifically provided, the words "the contracting officer" when used in Subchapter A, Chapter I of this title, this subchapter, or in any contract, supplemental agreement, or change order, are construed to include any contracting officer, acting within the scope of the written orders designating him a contracting officer, his duly designated successor, or authorized representative. Purchases will be made only by individuals duly designated as contracting officers, except (1) petty cash purchases, which will be made according to § 1003.604 of this chapter, (2) emergency purchases of fuel, oil, repairs, etc., which will be made according to current pertinent regulations and (3) emergency purchases of medical supplies and equipment, which will be made by the medical officer, followed by the issuance of a confirmatory purchase order by the contracting officer.

(b) The contracting officer has only such powers as are given him by delegations of authority and the instrument by which he was designated. Acts exceeding those powers do not bind the Government. By reason of the situation, the contracting officer may be personally liable for acts in excess of his authority. Base commanders and others having administrative supervision over contracting officers will bear this in mind and will refrain from directing contracting officers to take action which might expose the contracting officer to serious consequences. The office of the contracting officer should be placed, in the local organization, at a level which will protect it from intraorganizational pressure which might lead the contracting officer to perform improper acts exposing him to personal risk and the Air Force to criticism.

* * * * *

(e) Contracting officers will neither act as nor perform the duties of a contracting officer with respect to any contractual instrument obligating only nonappropriated funds. However, contracting officers may act in an advisory capacity with respect to the aforementioned instruments. In connection with a construction contract which will be paid for which a combination of appropriated and nonappropriated funds, the entire procurement will be accomplished in the same manner as an appropriated funds procurement except that prior to award, the contracting officer will insure that nonappropriated funds sufficient to cover the nonappropriated portion of the procurement have been deposited with the AF accounting and finance officer who will be designated to make payment under the contract.

2. In § 1001.451, paragraph (a) is revised to read as follows:

§ 1001.451 Representatives of contracting officers.

(a) The designating authority (see § 1001.454) may designate, according to § 1001.452, any officer (including warrant officer) or civilian official, or any airman who is classified either a Procurement Supervisor (65170) or a Senior Procurement Specialist (65150) and whose primary duty is in the contracting office, to act as representative of the contracting officer or his duly designated successor.

3. Section 1001.452 is revised as follows:

§ 1001.452 Designation of contracting officers and representatives of contracting officers.

To maintain a high degree of efficiency and effect the most economical management and organization of base procurement activities, AF policy is to centralize all functions of purchasing and contracting, in a consolidated office at all AF installations authorized to make base procurement from appropriated funds.

4. In § 1001.453, paragraph (g) is deleted and reserved; in paragraph (l), subparagraph (3) is revised and subparagraph (7) is deleted; in paragraph (m), subparagraph (3) is revised and

subparagraph (5) is added; and a new paragraph (o) is added, as follows:

§ 1001.453 Delegations of authority.

* * * * *

(g) [Reserved]

* * * * *

(l) * * *

(3) Requirements and indefinite quantity contracts as defined in § 3.405–5 of this title and § 1003.405–5 of this chapter and call procurement arrangements as defined in § 1003.405–51 of this chapter when maximum requirements are set forth (in such cases the maximum requirements will be contained in the call procurement arrangements as the estimated dollar amount of supplies or services to be procured during the contract period), even though no funds are committed or obligated thereby.

* * * * *

(7) [Deleted]

(m) * * *

(3) Contractual instruments obligating funds covering calls issued under terms of requirements contracts (§ 1003.405–5(b) of this chapter), indefinite quantity contracts (§ 1003.405–5(c) of this chapter), or call procurement arrangements (§ 1003.4C5–51 of this chapter).

* * * * *

(5) Contractual instruments which obligate funds for provisioning items where the approved contract contained an item for provisioning spares, ground handling and support equipment, etc.

* * * * *

(o) Requirements aggregating more than the dollar amount of the contracting authority delegated will not be broken down into more than one purchase transaction for the purpose of avoiding authority limitations.

5. In § 1001.454, subparagraphs (1) and (11) of paragraph (c) are revised as follows:

§ 1001.454 Authority to designate contracting officers and representatives thereof.

(c) * * *

(1) Commanders of major air commands with power of redelegation not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command at numbered Air Force or ARDC center level.

* * * * *

(11) Commander and Deputy Commander, AMC Electronic Systems Center.

6. In § 1001.455, paragraph (b) is revised as follows:

§ 1001.455 General procurement authority.

(b) There is specifically excepted from the delegation described above, all authority to take action under Public Law 85–804 (50 U.S.C. 1431 et seq), to make findings and exceptions under the Buy American Act (41 U.S.C. 10a–d), to approve contracts made pursuant to 5 U.S.C. 55a and Section 601 of the Department of Defense Appropriation Act, 1959 (and similar provisions in subsequent Appropriation Acts), to make the determinations required by Section 625 of the Department of Defense Appropriation Act, 1959 (and similar provisions in subsequent acts), to authorize leases pursuant to 10 U.S.C. 2667, and to do other things which by law, regulation, or other directive may not be delegated.

7. In § 1001.457(a), subparagraphs (1), (7), and (7)(b) are revised; the heading of subparagraph (9) is revised; subparagraphs (10) to (13) are deleted and new subparagraphs (10) and (11) are added; paragraph (b) and subparagraph (1)(ii)(e) thereof is revised, as follows:

§ 1001.457 Authority to enter into, execute and approve contracts.

(a) * * *

(1) *Contracting officers of major air commands within the continental United States (except AMC and ARDC).* Authority is limited to making awards and executing contracts involving $100,000 or less. Commanders of major air commands may further limit the authority, provided such limitations are made uniform throughout the command. Commanders of major air commands have been authorized to make awards and manually approve contracts involving $100,000 or less, except Commander, Military Air Transport Service, who has been authorized to make awards and manually approve contracts involving $350,000 or less. Commanders may delegate authority to manually approve certain contracts not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command. (See paragraph (a)(7) of this section for ARDC.)

* * * * *

(7) *Commander, ARDC,* make awards and manually approve contracts, irrespective of dollar amount, with respect to research and development contracting matters including authority to: (i) Waive bid, payment, performance, or other bonds (other than for construction), (ii) administer patent matters incident to R&D contracts, (iii) approve insurance programs and pension and retirement plans of AF contractors, and (iv) approve repricing actions according to paragraph (b) of this section. The authority may be redelegated. A copy of all redelegations by the Commander, ARDC, of any of his research and development procurement authorities will be furnished to the AMC (MCPP). Limitations of the authority are shown below.

* * * * *

(b) Supplemental agreements amounting to more than $1,000,000 resulting from the exercise of an option according to § 1002.201–51 of this chapter, require review and manual approval as set forth in (d) of this subdivision.

* * * * *

(9) *Commander, AMC centers.* * * *

(10) *Director, Air Force Academy Construction Agency.* Make awards and manually approve contracts and modifications thereto for supplies and services involving $350,000 or less. Contracts in excess of $350,000 will be subject to manual approval by duly authorized approving officials of the Directorate of Procurement and Production, Hq AMC. Contracting officers of the Air Force Academy Construction Agency are authorized to make awards and manually execute contracts and modifications thereto involving $30,000 or less, without approval of higher authority, subject to such limitations as may be imposed by the Director, Air Force Academy Construction Agency.

(11) *Commanders and deputy commanders, air materiel forces,* for amounts of $350,000 or less, with power of redelegation to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the air materiel force. Contracting officers, under the jurisdiction of the air materiel force, may be authorized to make awards and execute contracts involving $100,000 or less. Administrative contracting officers under the jurisdiction of the air materiel force may be authorized to exercise the authority described in subparagraph (5)(ii) of this paragraph.

(b) All repricing actions, including but not limited to those under incentive type contracts, FPR–E, and old Form III's and IV's (but excluding those under contracts with escalation clauses) require manual approval as set forth below.

(1) * * *

(e) Commander and Deputy Commander, Electronic Systems Center, with power of redelegation.

8. In § 1001.461, paragraph (c) is revised as follows:

§ 1001.461 Contracts for public utility services extending beyond current fiscal year or including a connection charge in excess of $5,000.

* * * * *

(c) The statute authorizing definite term utility service contracts for periods not exceeding 10 years is 40 U.S.C. 281(a)(3). This statute as well as 10 U.S.C. 2304(a)(10) will be cited on all definite term utility service contracts extending beyond the current fiscal year.

9. In § 1001.465, paragraph (e) is revised as follows:

§ 1001.465 Release of program data and procurement information.

* * * * *

(e) The authority described in paragraph (b) of this section has been delegated by the Commander, AMC, to the following persons:

(1) *Director of Procurement and Production, Hq AMC.* The authority is limited to approval of release of program data affecting production requirements. The authority has been redelegated to the Commander, AMC Aeronautical Systems Center, and the Commander and Deputy Commander, AMC Electronics Systems Center, with power of redelegation.

§ 1001.468 [Deletion]

10. Section 1001.468 is deleted.

11. In § 1001.480–2, 1 to 4 are revised; 14 to 16 are deleted and reserved; 24 to 33 and 35 to 38 are revised; and 39 is added as follows:

§ 1001.480–2 Redelegation of AF procurement authorities by the Commander, AMC and the Director of Procurement and Production, Hq AMC.

A Subject and reference	B Hq AMC	C AMA's, AF depots CONUS and AMC centers	D Air materiel forces (AMF) and AMC separate installations	E AF commands CONUS	F AF commands—Overseas air attachés and foreign missions
1. Designate contracting officers and representatives thereof (includes authority to terminate appointments. Reference: § 1001.454.	Comdr, AMC. Power to redelegate: Unlimited. DoPP. Power to redelegate: Unlimited. DDoPP, as stated in § 1001.454(c)(7). Power to redelegate: None.	Comdr and D Comdr, AMA's as stated in § 1001.454(c)(4). Power to redelegate: None, except Rome as stated in § 1001.454(c)(4). Comdr and D Comdr, AF Depots. Power to redelegate: None. Comdr and D Comdr, AMC centers. Power to redelegate: None.	Comdr and D Comdr, AMF as stated in § 1001.454(c)(12). Power to redelegate: Comdrs of 1st echelons of command immediately subordinate to the AMF. Comdr, AMC separate activities under direct jurisdiction of Comdr, AMC. Power to redelegate: None.	Comdr. Power to redelegate: 1st echelon staff officers at numbered AF or ARDC center level. Director, AF Academy Construction Agency, as stated in § 1001.454 (c)(10). Power to redelegate: None.	Comdr, Oversea commands. Power to redelegate: 1st echelon staff officers at numbered AF level. Air attachés and Chiefs of AF foreign missions. Power to redelegate: None.
2. Issue letter contracts. Reference: § 3.405–3 of this title and § 1003.405–3 of this chapter.	DoPP and DDoPP. Power to redelegate: Unlimited.	Comdr AMA's, anticipate costs not exceed $1,000,000. Power to redelegate: DoPP. Comdr Dayton AF Depot, anticipate costs not exceed $1,000,000. Power to redelegate: DoPP. Comdr Memphis AF Depot, anticipate costs not exceed $350,000. Power to redelegate: DoPP. CBMC, no dollar limitation. Power to redelegate: DOBMC. CASC, DCASC, CESO and DCESC, anticipate costs not to exceed $1,000,000. Power to redelegate: Unlimited.	Comdr, AMF, no dollar limitation. Power to redelegate: 1st echelon staff officer.	Comdr, ARDC, with respect to R&D procurements, no dollar limitation. Power to redelegate: Unlimited. Comdr, Air Training Command, subject to prior authorization by MCPC, Hq AMC. Power to redelegate: 1st echelon staff officer.	Comdr, oversea commands, no dollar limitation. Power to redelegate: 1st echelon staff officer. Air attachés and Chiefs of AF foreign missions, no dollar limitation. Power to redelegate: None.
3. Enter into, execute, and approve contracts. Reference: § 1001.457. NOTE: Unless otherwise indicated, the authority vested in contracting officers is limited to making awards and executing contracts.	Comdr, AMC, no dollar limitation. Power to redelegate: Unlimited. DoPP, no dollar limitation. Power to redelegate: Unlimited. DDoPP, normally manual approval $1,000,000 or less. (See § 1001.457(a)(8).) Power to redelegate: None.	Comdr AMA's and Dayton AF Depot, subject to § 1001.457(a)(5)(i): Formal advertising—Unlimited; Negotiated—$1,000,000; Overruns on CPFF contracts—Unlimited. Power to redelegate: DoPP, Director of USAF LCG, $100,000 or less. Comdr, Shelby and Topeka AF Depots—$100,000 or less. Power to redelegate: DoPP. Comdr, Memphis AF Depot—$350,000 or less; Overruns on CPFF contracts—Unlimited. Power to redelegate: DoPP. Contracting officers, $30,000 or less (see § 1001.457(a)(5)(i) for exceptions). Power to redelegate: None. ACO's (see § 1001.457(a)(5)(ii) for specific authorities). Power to redelegate: None. AMC centers, subject to § 1001.457(a)(9): Formal advertising—Unlimited; Negotiated—$1,000,000; Overruns on CPFF contracts—Unlimited; Engineering Changes—Unlimited; Short Form facilities contracts—Unlimited. Power to redelegate: Unlimited.	Comdrs and D Comdrs AMF's, $350,000 or less. Power to redelegate: 1st echelon staff officers. Contracting officers, AMF's, $100,000 or less, subject to such further limitations as may be imposed by the Comdr. Power to redelegate: None. ACO's AMF's (see § 1001.457(a)(5)(ii) for specific authorities). Power to redelegate: None. Comdr, AMC separate install. under the direct jurisdiction of the Comdr. AMC— $100,000 or less. Power to redelegate: None. Contracting officers, AMC separate install. under the direct jurisdiction of the Comdr, AMC—$30,000 or less. Power to redelegate: None.	Comdr, $100,000 or less except Comdr MATS—$350,000 or less. Power to redelegate: 1st echelon staff officer (approval). Contracting officers—$100,000 or less, subject to such further limitations as may be imposed by the Comdr, w/o power to redelegate. Comdr, ARDC, for R & D matters, no dollar limitation subject to: (a) Negotiated research contracts in excess of $1,000,000 require review by Hq AMC (MCPC) and manual approval by an ARDC approving official. (b) Negotiated contracts other than research in excess of $1,000,000 require review by Hq AMC (MCPC) and manual approval by an AMC approving official. (c) WADD, only for procurement of research and of armament development using 650 series funds. (d) Formal advertising—Unlimited. (See § 1001.457(a)(7)(b).) (e) Overruns on CPFF contracts—Unlimited. (See § 1001.457(a)(7)(c).) Power to redelegate: Unlimited. Director, AF Academy Construction Agency $350,000 or less. Power to redelegate: None. Contracting officers, AF Academy Construction Agency, $30,000 or less, subject to such limitations as may be imposed by the Director, AFACA. Power to redelegate: None.	Comdrs, oversea commands, no dollar limitation. Power to redelegate: 1st echelon staff officer (approval). Contracting officers for amounts of $100,000 or less. Air Attachés and Chiefs of AF foreign missions—$100,000 or less, except JUSMG—Spain—$1,000,000 or less. Power to redelegate: Contracting officers for amounts of $100,000 or less.

A Subject and reference	B Hq AMC	C AMA's, AF depots CONUS and AMC centers	D Air materiel forces (AMF) and AMC separate installations	E AF commands CONUS	F AF commands—Overseas air attachés and foreign missions
4. Make determinations and findings in support of incentive-type, cost-type and CPFF-type contracts. Reference: §1003.303 of this chapter.	Comdr, AMC. Power to redelegate: Unlimited. DoPP. Power to redelegate: Unlimited except to contracting officers for procurement involved. As stated in §1003.303 (c) and (d) of this chapter. DDoPP. Power to redelegate. None.	Comdr. Power to redelegate: Not below DoPP. CBMC. Power to redelegate: Not below the Chief, Procurement Staff Div. CASC and CESC. Power to redelegate: Unlimited.	Comdr and D Comdr, AMF as stated in §1003.303(g) of this chapter. Power to redelegate: 1st echelon staff officer.	Comdr, ARDC, for R & D (except base procurement). Power to redelegate: Unlimited. Comdr, Air Training Command as stated in §1001.464. Power to redelegate: Staff Officer responsible for procurement within Hq ATC. Director, AF Academy Construction Agency as stated in §1003.303(e) of this chapter. Power to redelegate: None. Comdr, MATS, as stated in §1003.303(c)(7) of this chapter. Power to redelegate: Not below Chief, Procurement Div, Hq MATS.	
24. Authorize contractors to conclude subcontractor term settlements between $2,500 and $10,000. Reference: § 8.208-4 of this title.	Comdr, AMC. Power to redelegate: Deputy or principal assistant for contract matters. DoPP and DDoPP. Power to redelegate: None.				
25. Establish settlement review boards. Reference: § 8.211-1 of this title.	Comdr, AMC and DoPP. Power to redelegate: Unlimited. DDoPP. Chief and Deputy Chief, Readjustment Div. Power to redelegate: None.	----------	Comdr and D Comdr, AMF. Power to redelegate: None.	----------	Comdr and V. Comdr, Oversea Commands. Power to redelegate: None.
26. Establish property disposal review boards. Reference: § 8.512-1 of this title.	Comdr, AMC and DoPP. Power to redelegate: Unlimited. DDoPP. Chief and Deputy Chief, Readjustment Div. Power to redelegate: None.	----------	Comdr and D Comdr, AMF. Power to redelegate: None.	Comdr, and V Comdr, ARDC. Power to redelegate: DoP—Boards within European Office, ARDC.	Comdr and V. Comdr, Oversea Commands. Power to redelegate: None.
27. Make determination to require payment and performance bonds in connection with cost-type construction contracts. Reference: § 1010.103-2(c) of this chapter.	Comdr, AMC and DoPP. Power to redelegate: Not below the level of a chief or deputy chief of a Division of the Directorate of Procurement and Production. DDoPP. Power to redelegate: None.				
28. Extraordinary contractual actions (Public Law 85-804). (a) Process, deny, or approve contractual adjustments subject to Subpart B, Part 17 of this title. (b) Exercise residual powers subject to Subpart C, Part 17 of this title. Reference: Part 17 of this title and Part 1017 of this chapter.	Comdr, AMC. Power to redelegate: DoPP, 28(a) only to DDoPP and certain oversea officials. DoPP. Power to redelegate: 28(a) only to DDoPP and certain oversea officials. DDoPP. Power to redelegate: None.	----------	Comdr and D Comdr, AMF's, 28(a) only. Power to redelegate: None.	----------	28(a) only to: CIC and VCIC, USAFE, CIC, VCIC and C/S, Pacific AF. Comdr and D Comdr, Alaska. Comdr and C/s, Caribbean. Power to redelegate: DoPP.
30. Approve requests for "Unusual" progress payments as described in §1058.304(b) of this chapter. Reference: § 1058.304(b) of this chapter.	Comdr, AMC. Power to redelegate: General Officers. DoPP. Power to redelegate: General officers. DDoPP. Power to redelegate: None.	----------	----------	Comdr, V. Comdr, and D Comdr for Resources, ARDC. Power to redelegate: None.	
31. Act as certifying officer with respect to executing certificates of eligibility—Defense contract financing (guaranteed loans). Reference: §1058.203(f) of this chapter.	Comdr, AMC. Power to redelegate: Not below the level of Chief, Pricing and Negotiation Div. DoPP and DDoPP. Chief, Pricing and Negotiation Div. Power to redelegate: None.				
32. Execute duty-free entry certificates for emergency purchase of war materiel abroad. Reference: § 1006.602-6 of this chapter.	Comdr, AMC. Power to redelegate: Unlimited. Director of Transportation. Power to redelegate: Unlimited and including field transportation officers and administrative contracting officers.				

A Subject and reference	B Hq AMC	C AMA's, AF depots CONUS and AMC centers	D Air materiel forces (AMF) and AMC separate installations	E AF commands CONUS	F AF commands—Overseas air attachés and foreign missions
33. Release of program data and procurement information. Reference: § 1001.465.	Comdr, AMC (except for data affecting use of tech reps and contract technicians within other major commands. Power to redelegate: Unlimited. DoPP. Power to redelegate: Unlimited Director and D Director, Maintenance Engineering (limited to data affecting use of field engrs and tech reps within AMC). Power to redelegate: Unlimited.	Comdr, AMA's and AF Depots (limited to cases where AMA or Depot has been assigned prime class proc responsibility. Excludes release of data affecting use of field engrs and tech reps). Power to redelegate: DoPP. CASC and CESC. Power to redelegate: Unlimited.			
35. Appoint AF emergency facilities depreciation bd. Reference: § 1003.2103 of this chapter.	Comdr, AMC, Power to redelegate: DoPP and DDoPP. DoPP and DDoPP. Power to redelegate: None.				
36. Sign applications for permits to procure tax-free or specially denatured alcohol. Reference: § 1011.-204(b) of this chapter.	Comdr, Amc. DDoPP. Power to redelegate: None.	DoPP, MAAMA. Power to redelegate: None.			
37. Process contract appeals direct to ASBCA. Reference: § 1054.506 of this chapter.	Comdr, AMC. Power to redelegate: Unlimited. Staff Judge Advocate. Power to redelegate: Unlimited.				
38. Approve PR's and MIPR's. Reference: § 1001.462.	DoPP and DDoPP no dollar limitation. Power to redelegate: Unlimited. Chief or D Chief of Division, no dollar limitation. Power to redelegate: None.	Comdr, AMA's and AF Depots, no dollar limitation. Power to redelegate: DoPP $1,000,000 or less. Contracting officers, $100,000 or less. Comdrs, AMC Centers, no dollar limitation. Power to redelegate: Unlimited.	Comdr and D. Comdr, AMF, no dollar limitation. Power to redelegate: Unlimited.		
39. Approve repricing actions. Reference: § 1001.457(b).	DoPP and DDoPP. Power to redelegate: Unlimited.	Comdr, AMA's and Dayton AF Depot as stated in § 1001.457(b)(1). Power to redelegate: DoPP. Comdr, AMC centers, as stated in § 1001.457(b)(1). Power to redelegate: Unlimited. Comdr, Memphis AF Depot as stated in § 1001.457 (b) (1) (ii) (*g*). Power to redelegate: DoPP.	Comdr, AMF's, as stated in § 1001.457(b)(1)(ii)(*b*). Power to redelegate: AMA–DoPP level.	Comdr, ARDC, as stated in § 1001.457(b)(1). Power to redelegate: Unlimited.	

LEGEND

Comdr..... Commander.
V Comdr..... Vice Commander.
D Comdr..... Deputy Commander.
DoPP..... Director of Procurement and Production.
DDoPP..... Deputy Director of Procurement and Production.
CASC..... Commander, AMC Aeronautical Systems Center.
DCASC..... Deputy Commander, AMC Aeronautical Systems Center.
CBMC..... Commander, AMC Ballistic Missiles Center.
DCBMC..... Deputy Commander, AMC Ballistic Missiles Center.
CESC..... Commander, AMC Electronic Systems Center.
DCESC..... Deputy Commander, AMC Electronic Systems Center.
1st echelon staff officer.. means the staff officer responsible for procurement within the Hq of the first echelon of command immediately subordinate to the activity concerned.

Subpart E—Contingent or Other Fees

Section 1001.508 is revised as follows:

§ 1001.508 Enforcement.

§ 1001.508–1 Failure or refusal to furnish Standard Form 119.

If the potentially successful bidder or contractor, upon request and prior to award, refuses to furnish a completed Standard Form 119 or a statement in lieu thereof as provided in § 1.507–1 of this title and § 1001.507–1 of this chapter, determination of whether the bid or officer will be rejected will be made as follows at:

(a) Hq AMC, by chiefs of the buying divisions of the Directorate of Procurement and Production.

(b) AMC centers, by those persons designated by the commander.

(c) AMC field procurement activities, by directors or deputy directors of procurement and production.

(d) Base procurement activities, by the chief, base procurement contracting office.

(e) ARDC, by those persons designated by Director of Procurement, Hq ARDC.

§ 1001.508–2 Misrepresentations or violations of the covenant against contingent fees.

(a) Determination of whether the bid or offer should be rejected will be made as set forth in § 1001.508–1.

(b) Action to enforce the covenant will be taken only upon the written recommendation of the appropriate local staff judge advocate.

(c) Future eligibility will be established by forwarding a summary and statement of all pertinent facts of each case to AMC (MCPI), through channels with appropriate recommendation.

(d) Final determination of whether the case should be referred to the Department of Justice according to § 1.111 of this title will be made by Hq AMC. A summary and statment of all pertinent facts of each case will be submitted to AMC (MCPI), through normal channels with appropriate recommendation.

Subpart F—Debarred, Ineligible and Suspended Bidders

1. Section 1001.601–3 is revised as follows:

§ 1001.601–3 Joint consolidated list.

(a) *Changes.* Additions, deletions, or modifications to the Joint Consolidated List will be forwarded through the Office of Inspection (MCPI), Hq AMC,

to DCS/M, Hq USAF for transmittal to the Department of the Army. MCPI will recommend to DCS/M action to be taken.

(b) *Distribution.* Distribution of the Joint Consolidated List of Debarred, Ineligible and Suspended Contractors and periodic revisions thereto will be accomplished according to regular distribution procedures.

2. In § 1001.651–3, paragraphs (b) and (c) are revised to read as follows:

§ 1001.651–3 Letter contract, price redetermination and contract change notification delinquency list.

* * * * *

(b) *Review of reports.* The committee to review reports will be composed of the Deputy for Procurement (MCP–1), Hq AMC or Deputy for Production (MCP–2), Hq AMC; Chief, Pricing and Financial Division (MCPF), Hq AMC; Chief, Purchase Policy Division (MCPP), Hq AMC; Chief, Directorate of Contract Support (LMP), AMC ASC and the Chief of the affected operating Directorate, AMC ASC. Not later than the 10th of each month MCPPS will arrange a meeting of the committee to review the reports. Each reporting activity will be notified by the 14th of each month of the contractors covered by the activity's report which the committee proposes to place on the delinquency list. The reporting activity will request from each such contractor a statement of justification or corrective action, if any. Any contractor who does not show just cause within 10 days will be placed on the delinquency list by the committee. Statements received from contractors will be forwarded by the reporting activity to MCPPS. The names of contractors placed on the list will be consolidated by MCPPS and distributed to all AMC procurement activities.

(c) *Deletions.* When the conditions for which a contractor was originally reported delinquent have ceased to exist, it is imperative that the responsible reporting activity notify the MCPPS, Hq AMC, by electrically transmitted message within 24 hours. Upon receipt of such notification from the reporting activity, MCPPS will take immediate action to remove the contractor from the delinquency list.

Subpart G—Small Business Concerns

1. Section 1001.700 is revised as follows:

§ 1001.700 Scope of subpart.

This subpart implements Subpart G, Part 1 of this title, and sets forth the Air Force Small Business Program and its policies and procedures.

2. Sections 1001.701–51 and 1001.702 are added as follows:

§ 1001.701–51 Head of the purchasing activity.

The Director of Contract Support, AMC ASC, the director of procurement and production at an AMC field procurement activity, and the chief of the purchasing office at all other purchasing activities.

§ 1001.702 General policy.

See § 1.702 of this title.

3. Sections 1001.703 and 1001.704 are revised as follows:

§ 1001.703 Determination of status as small business concern.

See § 1.703 of this title.

§ 1001.704 Small business officials.

See § 1.704 of this title.

4. Section 1001.704–1 is added as follows:

§ 1001.704–1 Director for small business.

See § 1.704–1 of this title.

5. Section 1001.704–2 is revised to read as follows:

§ 1001.704–2 Departmental small business advisors.

(a) The Small Business Advisor of the Air Force is the Chief, Office of Small Business, Deputy Chief of Staff, Materiel (AFMDC–1C). He is responsible for the further development of AF small business and labor surplus area policies; the development and revision of over-all programs and staff supervision of effectiveness of such programs; and serves as the focal point for activities relating to policy or programming.

(b) An Assistant for Small Business is assigned to the Directorate of Procurement and Production, Deputy Chief of Staff, Materiel (AFMPP–SB). He is responsible for the implementation, monitoring, and controlling of all operational functions of small business and labor surplus area policies and procedures pertaining to procurement and production; and, in the absence of the Chief of the Office of Small Business, acts for and assumes his duties and responsibilities.

(c) An Executive for Small Business is designated at the headquarters of each major command having purchasing offices in the United States, its Territories, possessions, and Puerto Rico. He serves as the focal point for small business activities within his command and performs staff supervision over small business matters. The Executive for Small Business, Directorate of Procurement and Production, Hq AMC, performs staff supervision and guidance pertaining to the small business functions of AF activities in the United States, its Territories, possessions, and Puerto Rico. Direct communication is authorized between the Executive for Small Business, Hq AMC, and executives for small business for other major commands.

6. Section 1001.705–3 is revised to read as follows:

§ 1001.705–3 Screening of procurements.

(a) *Individual set-asides.* (1) In applying the procedure set forth in § 1.705–3(a)(1) of this title, the contracting officer is responsible for determining whether the procurement action will probably result in a contract or contracts exceeding $10,000.

(2) See § 1.705–3(a)(2) of this title.

(b) *Class set-asides.* See § 1.705–3(b) of this title.

7. In § 1001.705–6, paragraph (b) is revised and a paragraph (c) is added, as follows:

§ 1001.705–6 Certificates of competency.

* * * * *

(b) When a Facility Capability Report or a Special Source Survey (see § 1052.307 of this chapter) on a small business firm or a Small Business Pool (see § 1.302–3(a)(3) of this title) is negative as to capacity (see § 1.903–1(c) of this title), or credit (see § 1.903–1(b) of this title), except for airlift procurements surveyed by Hq MATS Commercial Airlift Capability Survey Committee, before an award can be withheld, the Small Business Administration must be given an opportunity to certify with respect to the competency of the concern or pool as to capacity and credit.

(c) When no Facility Capability Report or Special Source Survey has been utilized and a small business firm or Small Business Pool is being disqualified on a procurement due to insufficient capacity or credit (regardless of whether this action was taken by an evaluation board or arrived at independently by the contracting officer), the contracting officer must, upon receipt of such decision, furnish the AF small business specialist in the appropriate APD/air procurement office all the information on which the disqualification was based except for airlift procurement surveyed by Hq MATS Commercial Airlift Capability Survey Committee. To assist the AF small business specialist in his transmittal to SBA in the same manner as when a negative FCR is received, this should include all the technical and financial information available. After furnishing the AF small business specialist with the required information, the contracting officer will comply with the procedures in the same manner as if the negative determination has been based on a Facility Capability Report.

8. Section 1001.705–7 is added as follows:

§ 1001.705–7 Performance of contract by SBA.

Whenever the SBA certifies it is competent to perform a specific contract but the contracting officer has doubts as to the advisability of awarding the contract to the SBA, the case, supported by all pertinent data including suitable recommendations, will be submitted to AMC (MCP), for a decision before award is made.

9. Section 1001.706 is revised as follows:

§ 1001.706 Set-asides for small business.

§ 1001.706–1 General.

See § 1.706–1 of this title.

§ 1001.706–2 Review of SBA set-aside proposals.

(a) When circumstances of a procurement are such that the policy set out in § 3.108 of this title, as implemented by § 1003.108 of this chapter, make a total set-aside inappropriate, consideration will be given to use of a partial set-aside.

(b) to (c). See § 1.706–2 (b) to (c) of this title.

§ 1001.706–3 Withdrawal or modification of set-asides.

See § 1.706–3 of this title.

§ 1001.706–4 Reporting for Department of Commerce procurement synopsis.

See § 1002.206–50 of this chapter.

§ 1001.706–5 Total set-asides.

(a) In the field of base procurement, procurements in excess of $2,500 for which there are known to be two or more small business sources from whom fair and reasonable prices may be expected will be set-aside totally for competition among small business concerns exclusively. Deviations from this policy may be approved in specific cases by notation on the purchase request or other authorized requisition by the chief of the contracting office or his designee provided the designee is not the contracting officer or buyer for the particular procurement.

(b) Small Business Restricted Advertising will be considered the normal method of procurement with conventional negotiation to be used only where the contracting officer has determined that Small Business Restricted Advertising cannot be used. The contract file will be documented to support this determination.

(c) Items subject to "set-aside" under small business procedures will not be included on the same IFB with items not subject to "set-aside".

§ 1001.706–6 Partial set-asides.

See § 1.706–6 of this title.

§ 1001.706–7 Automatic dissolution of set-asides.

See § 1.706–7 of this title.

§ 1001.706–8 Contract authority.

See § 1.706–8 of this title.

§ 1001.706–9 Maintenance of records.

See § 1.706–9 of this title.

10. In § 1001.707–4, paragraphs (c) and (d) are revised to read as follows:

§ 1001.707–4 Responsibility for reviewing subcontracting program.

* * * * *

(c) Upon receiving reports from a participating contractor, the small business specialist in the APD will enter in the space between the form number and the General Instructions on the face of all DD Forms 1140, the three digit Department of Defense procurement (claimant) code of the principal kind of military items or services being supplied by the reporting unit. Three copies of the completed DD Form 1140 received from each reporting unit will be forwarded by the APD to AMC (MCP–6). The July through December 6-month report will be forwarded to reach Hq AMC no later than March 5th and the January through June 6-month report will be forwarded to reach Hq AMC no later than September 5th.

(d) Where contractors have established Defense Subcontracting Small Business Programs, responsibility for which has been assigned to the Air Force, the small business specialist in the APD will carry out his responsibilities as stated in paragraph (b) of this section in determining the adequacy of the contractor's program. AFPI Form 46D, "Defense Subcontracting Small Business Checklist," will be completed by the small business specialist and furnished to the ACO or the AF plant representative for his consideration when reviewing the contractor's purchasing system for approval or disapproval, since it is recognized that liaison with the contractor insofar as subcontracting to small business is concerned is a joint responsibility of the small business specialist and the ACO. Where it appears that the contractor's purchasing system does not effectively implement the "utilization of small business concerns" clause set forth in § 7.104–14 of this title, the matter will be brought to the attention of appropriate contractor's officials with a request for corrective action.

§ 1001.707–5 [Deletion]

11. Section 1001.707–5 is deleted.

12. Section 1001.750 is revised to read as follows:

§ 1001.750 Additional procedures for AMC.

At AMC Aeronautical Systems Center and AMC field procurement activities, the additional procedures set forth in this section will be followed on all individual procurement actions which are expected to involve an expenditure of $10,000 or more.

(a) The procurement personnel will notify the small business specialist if, prior to the initiation of purchase requests, discussions are to be held for the purpose of considering potential sources. At such discussions, potential sources suggested by the small business specialist will be given the same consideration as other potential sources that may be considered.

(b) PR–MIPR control offices will furnish a copy of all purchase requests (PR's) to the small business specialist simultaneously with the release of the PR to the buyer.

(c) The small business specialist will notify the buyer in the event the SBA representative, if one is assigned to the purchasing office, wishes to discuss the procurement.

(d) The buyer will notify the small business specialist when ready but prior to ordering the issuance of the IFB or RFB. The small business specialist will arrange a meeting with the buyer and will invite the SBA representative, if one is assigned to the installation, to participate in the meeting for the purpose of making recommendations if he so desires according to § 1.705–3 of this title and § 1001.705–3 of this chapter. At this meeting:

(1) The buyer will state the proposed method of handling the procurement and furnish the small business specialist a copy of the procurement plan, if one has been prepared, and will furnish the small business specialist a copy of the appropriate bidders mailing list.

(2) The small business specialist will determine whether the item or service being procured is within the capability of small business concerns to produce or furnish as prime contractors. If the determination is affirmative, subject to any applicable preference for labor surplus area set-aside as provided in § 1.803(a)(2) of this title, the contracting officer should consider a small business set-aside. (See § 1.706–1 of this title and § 1001.706–1 of this chapter.) As to central procurement (distinguished from base procurement) which is accomplished at AMC Aeronautical Systems Center and AMC field procurement activities, every procurement will be set-aside either totally or partially for competition solely among small business concerns if records of previous procurements for the same item or the same service disclose that three or more small business concerns submitted responsive bids that were considered fair and reasonable. However, a partial set-aside may be appropriate where only two small business concerns appear to have the technical competence and productive capacity to furnish a portion of the procurement. (See § 1.706–6(a)(3) of this title.) Deviations from this policy may be approved in specific cases at AMC Aeronautical Systems Center by the chief of the division responsible for the procurement or his designee. At AMC field procurement activities, deviations may be approved in specific cases by the director of procurement and production or his designee. The procurement file will contain a record of the approval of such deviation. This procedure is not intended to limit the authority of SBA representatives, as set forth in §§ 1.705 and 1.706 of this title, to recommend set-asides and to appeal from the contracting officer's disapproval of such recommendations.

(3) If it is determined, according to § 1001.803(a)(2), that Defense Manpower Policy No. 4 is applicable, the small business specialist will furnish the buyer, for addition to the list of firms to be solicited, the names and addresses of firms appearing on the applicable Bidders' Mailing List that are located in Areas of Substantial Labor Surplus. The small business specialist will also make suggestions, if desired, as to the method of handling the procurement and will add to the list of concerns to be solicited the names and addresses of small business concerns when such additions are considered by the small business specialist to be necessary to afford small business an equitable opportunity to compete. Such additions to the Bidders' Mailing List will include the names of any small business concerns submitted by the SBA representative as potential sources for the supplies or services being procured on the particular procurement.

(e) For procurements determined by the small business specialist to be within the capability of small business, the buyer will:

(1) Furnish a copy of the IFB or RFP, and any amendments subsequently issued, to the small business specialist.

(2) Furnish to the small business specialist, prior to making awards, a copy of the abstract of bids or proposals includ-

ing any engineering or laboratory evaluation that has influenced the procurement.

(f) The small business specialist will notify the buyer when not satisfied that adequate consideration has been given to small business concerns. Should the buyer and the small business specialist be unable to resolve any differences, the case will be submitted for decision, prior to award, to the chief of the procurement committee at the AMC field procurement activity and to the Director of Contract Support at the AMC Aeronautical Systems Center. Normal review functions will be performed on all awards requiring approval of higher authority.

§ 1001.751 [Redesignation and amendment]

13. Section 1001.751 is redesignated § 1001.750–1 and the heading is changed to "Responsibility of small business specialists in AMA's, APD's, and APO's."

Subpart H—Labor Surplus Area Concerns

A new Subpart H is added as follows:

Sec.

AUTHORITY: §§ 1001.800 to 1001.806–5 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.800 Scope of subpart.

See § 1.800 of this title.

§ 1001.801 Definitions.

§ 1001.801–1 Labor surplus area concern.

The term "perform substantially in a labor surplus area" as used in Subchapter A, Chapter I of this title, will be interpreted to mean that the prime contractor will perform at least 60 percent of the dollar value of the contract in a labor surplus area.

§ 1001.801–2 Labor surplus area.

See § 1.801–2 of this title.

§ 1001.801–3 Small business concern.

See § 1.801–3 of this title.

§ 1001.802 General policy.

The Executive for Small Business (MCP–6), Directorate of Procurement and Production, Hq AMC, will monitor the placement of contracts in areas of substantial labor surplus by maintaining staff surveillance of the functions of purchasing activities within the scope of this subpart. The AF small business specialist at the procuring activity will be responsible for determining the applicability of DMP No. 4 to a procurement.

§ 1001.803 Application of policy.

(a) (1) and (2). See § 1.803(a) (1) and (2) of this title.

(3) "Area Labor Market Trends" and "Directory of Important Labor Market Areas" and supplements thereto, which sets for the boundaries of each labor market area and lists communities included in each area, are distributed by the Department of Labor.

(4) See § 1.803(a) (4) of this title.

(5) Prior to the solicitation for bids or proposals, the contracting officer will furnish the AF small business specialist assigned to the purchasing activity a copy of the appropriate bidders mailing list. The AF small business specialist assigned to the purchasing activity is responsible for maintaining current labor market information. The small business specialist will indicate on the bidders mailing list, for use in solicitation and for documentation of the contract file, the concerns listed that are labor area surplus concerns.

(6) See § 1.803(a) (6) of this title.

(b) See § 1.803(b) of this title.

§ 1001.804 Partial set-asides for labor surplus area concerns.

§ 1001.804–1 General.

Notwithstanding the determination of the small business specialist regarding the applicability of DMP No. 4 to a procurement, the contracting officer is responsible for determining whether the application of a set-aside is appropriate and, if appropriate, determining the quantities to be set aside.

§ 1001.804–2 Set-aside procedures.

See § 1.804–2 of this title.

§ 1001.804–3 Withdrawal of set-asides.

See § 1.804–3 of this title.

§ 1001.804–4 Contract authority.

See § 1.804–4 of this title.

§ 1001.804–50 Clause.

Each contract for a "set-aside" quantity that is awarded due to preferential treatment under DMP No. 4 will contain the following clause:

It is understood that award of this contract was due to a set-aside under Defense Manpower Policy No. 4 whereby the contractor was given the opportunity of meeting the contract price for quantities not set aside. The contractor warrants that it will perform at least 60 percent of the dollar value of this contract in an area of substantial labor surplus.

§ 1001.805 Subcontracting.

See § 1.805 of this title.

§ 1001.805–1 General policy.

See § 1.805–1 of this title.

§ 1001.805–2 Required clause.

See § 1.805–2 of this title.

§ 1001.806 Depressed industries.

§ 1001.806–1 General.

See § 1.806–1 of this title.

§ 1001.806–2 Apparel industry (notification No. 53).

See § 1.806–2 of this title.

§ 1001.806–3 Petroleum and petroleum products industry (notification No. 58).

See § 1.806–3 of this title.

§ 1001.806–4 Shipbuilding industry (notification No. 57).

See § 1.806–4 of this title.

§ 1001.806–5 Textile industry (notification No. 38).

See § 1.806–5 of this title.

Subpart K—Qualified Products

A new Subpart K is added as follows:

Sec.

AUTHORITY: §§ 1001.1101 to 1001.1105–2 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.1101 General.

See § 1.1101 of this title.

§ 1001.1102 Justification for establishment of a qualified products list.

See § 1.1102 of this title.

§ 1001.1102–50 Qualification requirements in specifications.

AF specifications containing qualification requirements are coordinated by the Directorate of Procurement and Production at Hq AMC, AMA, AMC center or AF depot responsible for procurement of the item covered by the specification. The Production Engineering Division (MCPE), Hq AMC, is the central point for coordination within AMC on aeronautical specifications and related engineering data. That office will forward requests to the appropriate buying activities for a detailed review of the specification and a recommended approval or disapproval of the qualification requirement. This review will consist of, but not be limited to the following criteria.

(a) Is it anticipated that a sufficient number of sources are available and

willing to submit their products for qualification so as to provide an adequate base of supply?

(b) Do one or more of the conditions set forth in § 1.1102 of this title apply? The conditions of § 1.1102(a) of this title concerning time required for testing will not be a basis for inclusion of an item on the Qualified Products List (QPL) unless the time required to perform any one test exceed 45 calendar days. Any series of two or more tests that must be performed in sequence will be considered as one test for the purpose of this condition.

(c) Is the wording of the QPL requirement in this specification sufficiently specific and clear to preclude misinterpretations by the prospective bidders?

Each buying activity will forward its specification reviews within 20 calendar days after receipt of specifications to AMC (MCPE), for approval and coordination with the activity responsible for the specification.

§ 1001.1103 Qualification of products.

§ 1001.1103–1 Opportunity to qualify.

(a) *Procedures leading to qualification.* (1) The Directorate of Engineering Standards, WADC (WCXPR), W-PAFB, Ohio, issues a Daily Activity Report which lists and identifies all specifications covering commodities requiring qualification testing which are used by the Air Force.

(2) The Daily Activity Report will be distributed to the appropriate services office at the AMC procurement activity.

(3) When a specification containing a qualification requirement appears on the Daily Activity Report for the first time, Contract Files and Distribution Branch (LMPMG), AMCASC, or the services activity within the AMA, depot, or other AMC procurement activities will obtain a current source list and notify all sources thereon by a letter, stating the AF policies on procurement of qualified products and encourage manufacturers to contact USAF Engineering Specifications and Drawings Branch, (EWBFE), Wright-Patterson AFB, Ohio, for copies of the QPL Summary Provisions Governing Applications for Military Qualified Products Lists and the specification for the product which they may wish to qualify.

(4) LMPMG will forward each specification number, nomenclature as listed in the Daily Activity Report together with the name and address of the organization to be contacted for copies of specifications to the U.S. Department of Commerce, Room 1300, 433 West Van Buren Street, Chicago 7, Illinois, for publication in the daily "Synopsis of U.S. Government Proposed Procurements, Sales and Contract Awards." If a qualification testing requirement is deleted or a specification requiring qualification testing is canceled (the Daily Activity Report contains this information), LMPMG or the services office at the appropriate AMC procurement activity will notify all sources on the source list of the change in the specification.

(b) Unlisted manufacturers requesting to be added to the bidders' mailing list as manufacturers of products covered by a QPL will be informed by LMPMG or the applicable AMC procurement services activity of the AF policies on procurement of qualified products.

(c) A letter may be used in lieu of the notice in Subchapter A, Chapter I of this title, when notifying contractors of the issuance of a new specification containing QPL requirements.

§ 1001.1103–2 Testing of product.

See § 1.1103–2 of this title.

§ 1001.1103–3 Notification to manufacturer.

See § 1.1103–3 of this title.

§ 1001.1103–50 Waivers of qualification requirement.

The qualification requirement of a specification may be disregarded when no products have been approved for inclusion on a QPL. Waivers of the qualification requirement where products have been approved for inclusion on a QPL will be treated as deviations and processed according to § 1001.109–50. When the qualification requirement of the specification is not invoked, coordination of the responsible engineering activity, whose identity and address is normally set forth in the applicable specification, will be obtained as to the use of first article test procedures.

§ 1001.1104 Qualified products lists.

§ 1001.1104–2 Military lists.

See § 1.1104–2 of this title.

§ 1001.1104–3 Department lists.

See § 1.1104–3 of this title.

§ 1001.1104–4 Distribution of list, notice of qualification, and other information.

(a) The distribution of Air Force Qualified Products Lists will include the following:

Two copies: Director of Procurement and Production, Headquarters USAF, Washington 25, D.C.

Two copies: Bureau of Supplies and Accounts, Department of the Navy, Procurement Division, Attn: SPA, Washington 25, D.C.

Three copies: Chief, Purchase Branch, Procurement Division, Office, Asst. C/S, G–4, Washington 25, D.C.

(b) The "Index of Specifications and Related Publications (used by) U.S. Air Force" contains a listing of items and specifications on which Qualified Products Lists or AN Bulletins have been issued, setting forth the manufacturer. Copies of the foregoing publications may be obtained from AMC (MCSIF).

§ 1001.1104–5 Publicity purposes.

See § 1.1104–5 of this title.

§ 1001.1104–6 Requirement that lists be kept open.

See § 1.1104–6 of this title.

§ 1001.1104–7 Withdrawal of qualification and removal from list.

See § 1.1104–7 of this title.

§ 1001.1104–8 Effect of debarment or suspension.

See § 2.204–3(b) of this title and § 1002.204–1(f) of this chapter.

§ 1001.1104–50 Extension of qualification.

Unless qualification is extended as stated in this section, qualification will apply only to the product manufactured at the plant which produced the sample tested. The AF activity responsible for this qualification may extend it to the identical product made by other plants of the same manufacturer or by plants of his subcontractor, after it has ascertained either of the following:

(a) By inspection or test of this identical product, it is equal in all respects to the qualified product.

(b) Quality control and processing standards at these other plants are high enough to guarantee a product equal in all respects to the qualified product. This finding usually will be based upon inspection of these plants.

§ 1001.1105 Procurement of qualified products.

§ 1001.1105–1 General.

See § 1.1105–1 of this title.

§ 1001.1105–2 Notice.

See § 1.1105–2 of this title and § 1002.2002–2 of this chapter.

Subpart T—Ethical Standards of Procurement Personnel

1. Section 1001.2004–5 is revised to read as follows:

§ 1001.2004–5 Scope of applicability.

Letters of clearance issued by MCPI will be honored at all AF installations. The letters will contain any restrictions imposed upon the former personnel and will be granted for the sole purpose of permitting them to represent a private interest to the Air Force. No such letter implies a right to enter any AF installation or to receive information on matters not directly connected with the purpose for which the clearance was granted.

2. Section 1001.2005 is added as follows:

§ 1001.2005 Action on suspected violations of standards of conduct.

§ 1001.2005–2 Violation of the gratuities clause.

AF personnel will promptly report according to AFR 124–8 any indication that a gratuity was offered or given by a contractor, or any agent or representative of a contractor, to a Government officer or employee with a view toward securing a contract or securing favorable treatment with respect to any contract matter in violation of the Gratuities Clause. If appropriate, other rights and remedies will be pursued instead of, or in addition to, those provided under the Gratuities Clause. Nothing in this and the following sections is meant to affect or impair the pursuit of such rights and remedies. The following procedure governs action under the Gratuities Clause:

(a) A headquarters which receives an action copy of an investigative report of an alleged violation of the clause will review it with all other available information and when appropriate will initiate and forward through command channels to the Commander, AMC, a recommendation that the Air Force

Gratuities Board be convened to consider the case.

(b) If the Commander, AMC, decides to convene the Board, all relevant information will be referred to it. The initiator of the case will be advised of the referral.

(c) If the Commander, AMC, decides not to convene the Board he will advise the initiator. He will also advise the Assistant Secretary of the Air Force (Materiel) through the Deputy Chief of Staff, Materiel, Hq USAF.

§ 1001.2005–3 Action by the gratuities board.

The Air Force Gratuities Board will follow the procedure set out in the Gratuities Clause and § 30.4 of this title. The Board will forward its findings and recommendations through the Commander, AMC, and the Deputy Chief of Staff, Materiel, Hq USAF, to the Assistant Secretary of the Air Force (Materiel) for his decision.

§ 1001.2005–4 Action on approved findings.

The Commander, AMC will, by registered mail return receipt requested, advise the contractor of the Secretary's decision. When the decision is adverse to the contractor, the Commander, AMC, will comply with any Secretarial direction to terminate contracts and/or impose exemplary damages and will advise the Secretary of his actions through the Deputy Chief of Staff, Materiel, Hq USAF.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart B—Solicitation of Bids

1. In § 1002.201(c), subparagraphs (14) (xviii), (xxiii), (xxiv), and (xxv), and (15) are revised, and (19) is added; paragraph (d) is revised to read as follows:

§ 1002.201 Preparation of forms.

(c) *Schedule.* * * *

(14) * * *

(xviii) DO ratings: See § 1001.460 of this chapter.

* * * * *

(xxiii) Progress payments. See § 30.5 of this title.

(*a*) Whenever it is intended that the contractor is to be reimbursed for progress payments to subcontractors, the clause set forth in § 82.79–3, Subchapter G, of this title will be included in the schedule.

(*b*) Whenever the contracting officer determines that progress payments are not appropriate in connection with a particular procurement, according to the criteria set forth in § 82.73, Subchapter G, of this title, the following statement will be included in the IFB:

Progress Payments are not available under this invitation for bids and bids conditioned upon provision for progress payments will be considered nonresponsive. This does not preclude payments for partial deliveries as otherwise authorized in the General Provisions.

(xxiv) Advance payments. The policy and procedures for Advanced Payment provisions are contained in § 82.23, Subchapter G, and Subpart D, of this title.

(xxv) The following alteration to General Provisions will be included in the IFB:

The following is hereby added to the clause of this Invitation entitled "Federal, State, and Local Taxes" (ASPR 11–401.1): The words "except as may be otherwise provided in this contract" mean "except as the Government has otherwise provided in this Invitation," and shall not be construed to permit the bidder to submit bids conditioned on exclusions of tax not set forth in this Invitation.

(15) Special provisions relating to Government-furnished property and to the use of Government property in the bidder's possession under a facilities contract or other agreement independent of the IFB.

* * * * *

(19) *Late bids and withdrawals.* See § 2.201(c) (19) of this title.

* * * * *

(d) *Availability and identification of specifications.* See § 1.305 of this title, and §§ 1001.305 and 1002.2003–6 of this chapter.

§ 1002.205 [Deletion]

2. Section 1002.205 is deleted.

3. Sections 1002.206–3 to 1002.206–50 are added as follows:

§ 1002.206–3 Responsibility of small business specialists.

See § 2.206–3 of this title.

§ 1002.206–4 Individual procurement action report.

See § 2.206–4 of this title.

§ 1002.206–50 Preparation and transmittal of synopses.

Subject to the requirements of § 2.206–3 of this title, purchasing offices will prepare and forward synopses of proposed procurements as follows: (RCS: AF–XDC–N1 is assigned to this report).

(a) All synopses will be sent at the end of each day by electrically transmitted messages to Synopsis, Commerce Department Field Service, Chicago, Illinois. When access to the USAF Communication Network (AIRCOMNET) is not available, synopses will be: (1) Dispatched by airmail or ordinary mail whichever is considered most expeditious and (2) addressed as follows: Administrative Officer, U.S. Department of Commerce, 433 East Van Buren Street, Chicago 7, Illinois.

Subpart C—Submission of Bids

The present Subpart C is deleted and the following new Subjart C substituted therefor:

Sec.

AUTHORITY: §§ 1002.301 to 1002.305 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1002.301 Method of bid submission.

See § 2.301 of this title.

§ 1002.302 Time of bid submission.

See § 2.302 of this title.

§ 1002.303 Late bids.

See § 2.303 of this title.

§ 1002.303–1 General.

See § 2.303–1 of this title.

§ 1002.303–2 Consideration for award.

See § 2.303–2 of this title.

§ 1002.303–3 Mailed bids.

See § 2.303–3 of this title.

§ 1002.303–4 Telegraphic bids.

See § 2.303–4 of this title.

§ 1002.303–5 Handcarried bids.

See § 2.303–5 of this title.

§ 1002.303–6 Notification.

See § 2.303–6 of this title.

§ 1002.303–7 Disposition.

See § 2.303–7 of this title.

§ 1002.303–8 Records.

See § 2.303–8 of this title.

§ 1002.304 Modification or withdrawal of bids.

See § 2.304 of this title.

§ 1002.305 Late modifications and withdrawals.

See § 2.305 of this title.

Subpart D—Opening of Bids and Award of Contract

1. In § 1002.403(c), subparagraph (3) (iii) is revised to read as follows:

§ 1002.403 Rejection of bids.

(c) * * *

(3) * * *

(iii) A provision requiring the Government to determine whether the product offered complies with specifications, such as "I will deliver my part number 1775 which shall be considered to comply with specifications." (Normally, the burden of determining whether an item offered complies with specifications rests with the bidder unless the Government requests samples (see §§ 1002.403–51 and 1002.2003–4).)

§ 1002.403–52 [Deletion]

2. Section 1002.403–52 is deleted.

3. Section 1002.409 is revised as follows:

§ 1002.409 Advance payments.

Requests from contractors for advance payments on contracts resulting from formal advertising will be processed according to Subchapter G, Part 82 of this title and Subpart G, Part 1058 of this chapter.

Subpart E—Qualified Products

Subpart E is deleted.

Subpart T—IFB Provisions

1. Section 1002.2002–2 is revised to read as follows:

§ 1002.2002–2 Sample schedule description limited to qualified products.

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CONTINUATION SHEET
(SUPPLY CONTRACT)

CONTRACT, ORDER, OR INVITATION NO. (As applicable)

PAGE NO.

ITEM NO.	SUPPLIES OR SERVICES	QUANTITY (Number of units)	UNIT	UNIT PRICE	AMOUNT
	QUALIFIED PRODUCTS: With respect to products requiring qualification, awards will be made only for such products that have, prior to time set for opening of bids, been tested and qualify for inclusion in the qualified products list identified below, whether or not such products have actually been included in the list by that date. Manufacturers are urged to communicate with the office designated below and arrange to have the products that they propose to offer tested for qualification. Manufacturers having products not yet listed, but which have been qualified, are requested to submit evidence of such qualification with their bids or offers, so that they may be given consideration. Qualified Products List 8408 is involved. Manufacturers should communicate with: Wright Air Development Center (WCLCI-1, Equipment Laboratory) Wright-Patterson Air Force Base, Ohio The items listed below require qualification. (If only some items require qualification, the foregoing sentence should be revised to read "Items (Numbers) required qualification.")				
1.	Altimeter, Pressure, Range 0 to 80,000 ft, type MA-1 in accordance with specification MIL-A-8408 dated Oct. 20, 1954 and Amendment No. 1 dated Sept. 9, 1955, Aerno No. 60-605, Contractor's Part Number_____ (USAF Installation P141 FY 55)	285	ea.		

NAME OF BIDDER OR CONTRACTOR

Standard Form 36
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☆ U. S. GOVERNMENT PRINTING OFFICE: 1952—O-208183 16—60678-3

2. Section 1002.2002–3 is revised as follows:

§ 1002.2002–3 Sample schedule description of a "Brand name or equal" item.

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Prescribed by General Services Administration, Nov. 1949 Edition

CONTINUATION SHEET
(SUPPLY CONTRACT)

CONTRACT, ORDER, OR INVITATION NO. (As applicable)

PAGE NO.

ITEM NO.	SUPPLIES OR SERVICES	QUANTITY (Number of units)	UNIT	UNIT PRICE	AMOUNT
1.	Nut Assembly, gang channel steel not aluminum alloy, channel type G12 10 32 x 1" spacing. Elastic Stop Nut part no. 22G12-02-8 or equal, Nutt-Shell part no. 2700PW02 or equal, Kennedy part no. XYZ-200, or equal.	300	ea.		
2.	Nut, speed steel, J type ½ x 31/64". Tinnerman Part No. A1783-1 or equal, Elastic Stop Nut Part No. 52FF070 or equal. Harrington part no. 4C284-58 or equal. Stock No. 6500-514545.	200	ea.		

BRAND NAME OR EQUAL:

As used in this clause, the term "brand name" includes identification of supplies by make and model.

Certain supplies called for by this Invitation for Bids are identified in the schedule by a brand name "or equal" description. This identification is descriptive rather than restrictive. Bids offering "or equal" supplies will be considered for award if such supplies are clearly identified in the bids and are determined by the Government to be equal to the brand named supplies in all material respects.

Bidders must clearly indicate whether their bids are based on a brand name item or on an "equal" item by furnishing the information required below. IF THE BIDDER DOES NOT IDENTIFY THE BRAND NAME OR DESCRIBE IN FULL THE "OR EQUAL" ITEM WHICH IS OFFERED, AS PROVIDED IN (1) AND (2) BELOW, THE BID WILL BE REJECTED.

(1) If the bidder proposes to furnish a brand name item specified in this Invitation for Bids, the item should be identified by brand name in the following space. BRAND NAME: _____.

(2) If the bidder proposes to furnish an "or equal" item, the following descriptive data must be furnished:

Brand name of the item proposed to be furnished, if any, and full description thereof, including pertinent physical, mechanical, electrical, and chemical details and a statement explaining the differences between the item being offered and any one of the corresponding brand name items called for by this Invitation for Bids. (This information may be supplied by separate attachments to the bid.)_____.

Bids or proposals offering supplies which differ from the brand name supplies shall be considered for award where the contracting officer determines that the offered supplies conform to all characteristics specified in the invitation for bids or request for proposals and otherwise meet the needs of the Government in essentially the same manner as the brand name supplies. Bids or proposals shall not be rejected because of minor differences in design, construction, or features which do not affect the suitability of the supplies.

NAME OF BIDDER OR CONTRACTOR

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(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director for Administrative Services.

[F.R. Doc. 60-3603; Filed, Apr. 21, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Hydrogen Cyanide

A petition was filed with the Food and Drug Administration by American Cyanamid Company, 30 Rockefeller Plaza, New York, New York, proposing an increase in the present tolerance to 75 parts per million for residues of hydrogen cyanide in or on the following grains, from postharvest fumigation: Barley, buckwheat, corn (including popcorn), milo (grain sorghum), oats, rice, rye, and wheat.

The petitioner later amended the petition to request a tolerance of 100 parts per million of hydrogen cyanide on the fumigated grain. Available evidence shows that little or no residue will carry over to food for human use processed from the fumigated grain, and thus will present no hazard to health. It also shows that the fumigated grain bearing residues of hydrogen cyanide within the tolerance limit will not cause injury when fed to farm animals, and that such residues in animal feed will not result in residues in milk, meat or eggs.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1959 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.3; 21 CFR, 1959 Supp., 120.130) are amended as set forth below:

1. In § 120.3, paragraph (d) is amended to read:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(d) Where tolerances are established for both calcium cyanide and hydrogen cyanide on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as hydrogen cyanide.

2. Section 120.130 is amended by amending paragraph (b) and adding a new paragraph (c) to read as follows:

§ 120.130 Tolerances for residues of hydrogen cyanide.

* * * * *

(b) 100 parts per million in or on barley, buckwheat, corn (including popcorn), milo (grain sorghum), oats, rice, rye, wheat.

(c) 25 parts per million in or on almonds, beans (dried), cashews, cocoa beans, peanuts, peas (dried), pecans, sesame, walnuts.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: April 14, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-3651; Filed, Apr. 21, 1960; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied.

1. Section 121.86 (25 F.R. 343, 404, 1074, 1727, 1944, 2203, 2837) is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

Product	Limits	Specified uses or restrictions
Carbon monoxide	Available data indicates no residue in foods ready to eat.	As an incidental constituent of inert or flue gas produced by the combustion of natural gas and used to displace or remove oxygen in the processing and packaging of nonstandardized foods.
Charcoal, nonactive, produced by retort method to conform with requirements of U.S.P. X.		In foods, according to good manufacturing processes.
Ethylene dichloride	0.01 percent	Residue in production of spice oleoresins.
Ethylene oxide		In dried fruit as a residue from use as a fumigant, applied at rate of 0.4 milliliter per pound of dried fruit.
Do	50 parts per million	In ground spices as a residue from use as a fumigant.
Glyceryl abietate (ester gum)	100 parts per million	In citrus-flavored beverages.
Lecithin, hydroxylated		Not to exceed 0.5 percent as an emulsifier in foods, excluding standardized foods.
Metaldehyde	Zero residue on strawberries at time of harvest.	One pound per acre as a spray or dust on strawberries, applied not less than 14 days before harvest, for control of slugs and snails.
Methylethylcellulose	3.0 percent	In vegetable fat whipped topping.
Monoglyceride citrate	200 parts per million	As an antioxidant in fats.
Mono- and diglycerides prepared from oleic acid in accordance with extension granted in this order.		As an emulsifier in foods.
Oleic acid prepared from edible fats and oils, free from chickedema factor.		In foods and in the manufacture of food components.
Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).		As an emulsifier or solubilizer in vitamin preparations, providing for not more than 280 milligrams daily for children and not more than 500 milligrams daily for adults.
Do	0.26 part per million	In fluid milk, from its use as a dispersing agent for vitamin D concentrate.

Product	Limits	Specified uses or restrictions
Polyvinylpyrrolidone	170 parts per million	In vinegar as a residue from precipitating undesirable constituents (tannins).
Do	400 parts per million	In wine as a residue from precipitating undesirable constituents (tannins).
Stearic acid, prepared from edible fats and oils, and free from chickedema factor.		In foods and in the manufacture of food components.

2. Section 121.87 (25 F.R. 1727, 1772, 2203, 2395) is amended by adding to paragraph (a) the following items:

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in connection with the production, packaging, and storage of food products, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods, these are being included pending the completion of additional scientific work involving them.

(a) *General list.* * * *

Product	Limits	Specified uses or restrictions
Castor oil phthalate		Not to exceed 0.26 percent in cellophane film for food packaging.
Chromium oxide green		As a colorant in food containers.
Dicyclohexylphthalate		Not to exceed 2.84 percent in cellophane film for food packaging.
Isobutene and isoprene or butadiene		Not to exceed 8.0 percent in wax coating for food packaging.
Oleic acid, potassium soap		As defoaming agent in paper and paperboard used for food packaging.
Oleic acid, sodium soap		Do.
Paraffin, synthetic (Fischer-Tropsch)		Not to exceed 15 percent in coatings for food wraps.
Phthalimidoethyl propionate		Not to exceed 0.71 percent in cellophane film for food packaging.
Polyamide resin (dimerized vegetable fatty acid and diethylenetriamine).		As component of food wraps.
Polybutene		Not to exceed 8.0 percent in wax coating for food packaging.
Polyglycol 200		Not to exceed 0.60 percent in cellophane film for food packaging.
Polyglycol ether of octylphenol containing 5 mols of ethylene oxide.		As defoaming agent in paper and paper board used in food packaging.
Polyglycol ether of octylphenol containing 10 mols of ethylene oxide.		Do.
Polyoxyethylene (20) sorbitan monostearate.		Not to exceed 0.06 percent in cellophane film for food packaging.
Sorbitan monostearate		Do.
Tetrahydrofuran		As solvent in preparation of cellophane for food packaging.
Triphenyl phosphite, alkylated		As a food packaging component.
Ultramarine blue		As a colorant in food containers and liners thereof.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: April 14, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-3649; Filed, Apr. 21, 1960; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Effective on publication in the FEDERAL REGISTER, § 121.86 (25 F.R. 343, 1074, 1727) is amended by changing the item "Annatto colorants * * *" to read as follows:

Annatto colorants	As a colorant in foods in accordance with good manufacturing practice.

This action is taken pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (23 F.R. 9500).

Dated: April 14, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-3650; Filed, Apr. 21, 1960; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Dept. Circular 655, Supp. 12]

PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Withholding of Delivery on Checks and Warrants

Part 211, Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 655 dated March 19, 1941, as supplemented) is hereby amended by revising § 211.3 (a) and (b) to read as follows:

§ 211.3 Withholding of delivery on checks and warrants.

(a) The Secretary of the Treasury hereby determines that postal, transportation, or banking facilities in general or local conditions in Albania, Bulgaria, Communist-controlled China, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, the Union of Soviet Socialist Republics, the Russian Zone of Occupation of Germany, and the Russian Sector of Occupation of Berlin, Germany, are such that there is not a reasonable assurance that a payee in those areas will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

(b) A check or warrant intended for delivery in any of the countries named in paragraph (a) of this section shall be withheld unless the check or warrant is specifically released. Before a check or warrant drawn against funds blocked pursuant to the provisions of Executive Order No. 8389 (3 CFR, 1943 Cum. Supp.), as amended, and which remain blocked under the proviso clause of General License No. 101 (8 CFR 511.101) may be released, it will be necessary for a license authorizing the release to be issued by the Department of Justice, Office of Alien Property, pursuant to that Executive Order, as amended. Attention is also directed to the Foreign Assets Control Regulations issued by the Secretary of the Treasury on December 17, 1950 (Part 500 of this title), pursuant to Ex-

ecutive Order No. 9193 (3 CFR, 1943 Cum. Supp.), which prohibit transactions involving payments to nationals of China and North Korea except to the extent that they have been authorized by appropriate license.

(Sec. 5, 54 Stat. 1087; 31 U.S.C. 127)

Dated: April 19, 1960.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-3682; Filed, Apr. 21, 1960; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 150—LOAN SERVICE OF CAPTIONED FILMS FOR THE DEAF

Part 150 establishes regulations for the administration of a loan service of captioned films for groups of deaf persons as authorized by Public Law 85-905, 72 Stat. 1742, 42 U.S.C. 2491. It reads as follows:

Sec.
150.1 Definitions.
150.2 Purpose.
150.3 Application.
150.4 Obligations of borrowers.
150.5 Budget Bureau clearance.

AUTHORITY: §§ 150.1 to 150.5 issued under secs. 1-4, 72 Stat. 1742-1743, 42 U.S.C. 2491-2494.

§ 150.1 Definitions.

As used in this part:

(a) "United States" means the several States, the District of Columbia, and Puerto Rico, the Virgin Islands, Guam, American Samoa and any other insular possession of the United States.

(b) "Deaf person" means a person who is without hearing or a person whose hearing is severely impaired.

(c) "Nonprofit purposes" means that no monetary gain or other economic benefit will accure to any individual, institution, or organization connected with the exhibition of captioned films borrowed pursuant to this part. The payment of rent for equipment or a meeting place, or the hire of a projectionist does not prevent an exhibition from being for nonprofit purposes.

(d) "Groups of deaf persons" means classes, clubs, schools, and other organized gatherings of eight or more deaf persons.

(e) "Film" means a sound or silent motion picture or filmstrip, with or without an accompanying disc or tape recording.

(f) "Borrower" means a group of deaf persons or an organization or individual arranging an exhibition of a captioned film on behalf of such a group, whose application to borrow captioned film has been approved by the Office of Education.

§ 150.2 Purpose.

(a) The objectives of the loan service of captioned films for the deaf are:

(1) To bring to deaf persons understanding and appreciation of those films which play such an important part in the general and cultural advancement of hearing persons;

(2) To provide, through these films, enriched educational and cultural experiences through which deaf persons can be brought into better touch with the realities of their environment; and

(3) To provide a wholesome and rewarding experience which deaf persons may share together.

(b) These objectives are to be accomplished by loaning prints of captioned films for exhibition to groups of deaf persons in the United States for nonprofit purposes under the conditions set forth in §§ 150.1 through 150.4. No charge will be made for the loan of these films except that the borrower will pay return transportation costs.

(c) The U.S. Office of Education reserves the right to find a borrower ineligible to borrow captioned films for violation of a condition under which the loan is made.

§ 150.3 Application.

An application to borrow captioned films shall be submitted upon a form which may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington 25, D.C.

§ 150.4 Obligations of borrowers.

(a) The borrower will be responsible for assuring that a borrowed film:

(1) Will be exhibited only to groups of deaf persons (This does not exclude from attendance at an exhibition, teachers of deaf persons, interpreters or occasional guests, as long as the audience is composed predominately of deaf persons.);

(2) Will not be exhibited to an audience where an admission is charged;

(3) Will not be projected or exhibited by television;

(4) Will not be used in any manner that will infringe upon or violate any copyright interest.

(b) For the mutual benefit of all deaf persons who wish to use the loan service and to expedite the distribution of captioned films:

(1) The borrower is responsible for the safekeeping of a borrowed film from the time of receipt until return or delivery to a common carrier for return. The borrower may be required to pay the replacement cost of any film lost or to pay the cost of repairing damage to any film occurring during such period.

(2) The borrower shall exercise care in projection of the film, including use of a suitable projector and a qualified projectionist.

(3) The borrower shall not repair or rewind a film prior to return.

(4) The borrower shall mail the film the day (Sundays and holidays excepted) following the scheduled date of exhibition. Return may be delayed if the exhibition was postponed because of late receipt of the films, in which case the films shall be mailed within 72 hours after receipt.

(5) The borrower shall return the film in the containers (cans and shipping cases), and pay the return transportation costs. The addressed return label which will be furnished with the film shall be properly affixed to the container.

(6) The borrower shall report on each exhibition of each film, indicating the name and location of the group of deaf persons which viewed the film, the date of exhibition, the number of persons present, and comments of the group. An appropriate reporting form will be sent to each borrower for each loan.

§ 150.5 Budget Bureau clearance.

The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: March 28, 1960.

[SEAL] L. G. DERTHICK,
U.S. Commissioner of Education.

Approved: April 18, 1960.

ARTHUR S. FLEMMING,
Secretary of Health Education, and Welfare.

[F.R. Doc. 60-3665; Filed, Apr. 21, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Revision 1)]

RESIDUAL FUEL OIL AND OTHER FINISHED PRODUCTS

Allocation Periods; Applications

Correction

In F.R. Doc. 60-3564, appearing at page 3323 of the issue for Saturday, April 16, 1960, the last sentence of section 5(b) is corrected by changing the third usage of the word "application" to read "applications", and by deleting the word "therefore". As corrected, the sentence reads: "The failure of an eligible applicant to return an application for a license will be regarded as an abandonment by the applicant of his continuing application for an allocation and no applications for licenses will be sent to him unless he files a new application for an allocation as provided in paragraph (c) of this section."

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 55]

EGG PRODUCTS

Grading and Inspection

Notice is hereby given that the United States Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of Egg Products under authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The proposed amendments would provide, beginning on July 1, 1960, for billing for the relief grader rendering resident service, at the salary of the grader regularly stationed at the plant. The relief grader's added salary cost would be recovered by increasing the charge for fringe benefits. The fringe benefit factor is also increased to cover the cost to the Government due to the enactment of the Federal Employees' Health Benefits Act of 1959. The proposed amendments would also increase the fees for laboratory analyses. The increases are necessary to cover increased laboratory costs and the Agricultural Marketing Act of 1946 requires that fees charged for performing the service shall, as nearly as may be, cover the costs thereof.

All persons who desire to submit written data, views or arguments in connection with the proposed amendments should file the same in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than 30 days following publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Change § 55.66 to read:

§ 55.66 Egg products laboratory analyses fees.

(a) For each of the following laboratory analyses the fee referable thereto shall be applicable except as otherwise stated in paragraph (b) of this section:

	Fee
Solids	$2.50
Fat	3.75
Bacteriological plate count	2.50
Bacteriological direct count	2.50
E. Coli (Presumptive)	2.50
Coliforms	2.50
Salmonella	5.00
Yeast and mold count	2.50
Solubility	1.50
Sugar	5.00
Salt	7.50
Color:	
NEPA	3.75
B-carotene	5.00
Whipping test	2.50
Whipping test plus bleeding	3.75
Meringue test	2.50
Fat film test	5.00
Oxygen	3.75
Glucose:	
Quantitative	6.25
Qualitative	3.75
Palatability and odor:	
First sample	2.50
Each additional sample	1.25
Organoleptic	2.50

(b) *Other fees for specified individual tests and services.* The fees specified in this paragraph are applicable for individual tests for one factor only on a particular sample of egg products.

	Fee
Solids	$3.00
Bacteriological plate count	3.00
Bacteriological direct count	3.00
E. Coli (Presumptive)	3.00
Coliforms	3.00
Yeast and mold count	3.00
Volatile acids	20.00
Acetic acid	40.00

§ 55.68 [Amendment]

2. Change § 55.68(a) to read:

(a) *Charges.* The charges for grading and inspection of egg products shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading and inspection service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by AMS in the amount of one (1) percent per month, or fraction thereof of any amounts remaining unpaid after 30 days from the date of billing.

(1) A charge of $5.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section, such as, but not limited to, initial surveys;

(2) A charge of $100 for the final survey and inauguration of the grading service including the assignment of one grader;

(3) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided*, That, no charge is to be made for salary cost of any assigned grader or inspector of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing inspections for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(4) A charge for the relief grader or inspector, at the rate of the regular grader's or inspector's salary, and the actual travel expenses and per diem paid by AMS to any grader or inspector whose services are required for relief purposes when regular graders or inspectors are on annual or sick leave;

(5) A charge for the actual cost to AMS of any travel or per diem incurred by each grader or inspector assigned to the plant while in the performance of grading or inspection service rendered the applicant.

(6) A charge to cover the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader or inspector who is transferred (other than for the convenience of AMS) from an official station to the designated plant.

(7) A charge equal to 20 percent of the base salary to cover an amount equal to the cost to AMS for the Employer's tax imposed under the United States Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees' Health Benefits Act of 1959, sick leave, annual leave, and related servicing costs;

(8) A charge equal to 7 percent of: (i) The overtime salary, (ii) the salary paid to each grader or inspector exclusive of one regular grader or inspector, and (iii) all charges made to the applicant for transportation and per diem

which are paid by AMS to graders or inspectors assigned to the applicant;

(9) An administrative service charge based upon the aggregate weight of the total monthly volume (based on the weight of liquid egg) of all egg products handled in the plant, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

Where application is in effect and no product is handled	$25.00
1 to 100,000 pounds	40.00
100,001 to 200,000 pounds	55.00
200,001 to 300,000 pounds	65.00
300,001 to 400,000 pounds	75.00
400,001 to 500,000 pounds	85.00
For each additional 100,000 pounds, or fraction thereof, in excess of 500,000 pounds	[1] 5.00

[1] The maximum charge shall not exceed $175.00.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624; 19 F.R. 74, as amended)

Issued at Washington, D.C., the 19th day of April 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-3683; Filed, Apr. 21, 1960; 8:49 a.m.]

Commodity Stabilization Service

[7 CFR Part 722]

EXTRA LONG STAPLE COTTON

Marketing Quotas for 1960 and Succeeding Crops

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations for the 1960 and succeeding crops of ELS cotton governing the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of ELS cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by ELS cotton producers, ginners, buyers, warehousemen, and others; and other miscellaneous matters regarding the production and marketing of ELS cotton.

A national marketing quota proclamation for the 1960 crop of ELS cotton was issued by the Secretary of Agriculture on October 14, 1959 (24 F.R. 8407) and the quota was approved by ELS cotton producers voting in a referendum on December 15, 1959. Farm allotments for the 1960 crop of ELS cotton were established pursuant to sections 344 and 347(c) of the act and notices thereof were mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

The proposed regulations will supersede the regulations pertaining to marketing quotas for ELS cotton of the 1958 and succeeding crops (23 F.R. 3241), as amended, and will apply to the 1960 and succeeding crops of ELS cotton. The proposed regulations will be substantially the same as the preceding regulations. The principal changes which are proposed are (1) revision of the definition of "new ELS cotton farm" and deletion of the definition of "farm base period" to conform to the 1960 acreage allotment regulations; (2) to provide that a marketing card issued to a producer on the farm may be used by another eligible producer on the farm; (3) to provide for the issuance of a different type marketing card for producers who are not eligible for price support or who are not eligible for price support unless price support documents are approved by the county committee; (4) to provide that the county committee, on its own motion or upon request of a representative of the State office, shall revise determinations made by such county committee under the regulations which are found to be in error; and (5) to provide that a producer who pays a proportionate share of the farm marketing quota penalty shall remain liable for the balance of such penalty in case of failure to collect such balance from other producers on the farm.

It is proposed that the regulations be applicable to ELS cotton of the 1960 and succeeding crops and it is expected that such regulations will, insofar as possible, be permanent subject to any necessary amendments which will include annual amendments to establish the penalty rate and county normal yields for particular years. Such regulations will not be applicable to ELS cotton planted in years for which (1) a national marketing quota is not proclaimed pursuant to section 347 of the act; (2) producers have disapproved quotas for ELS cotton in a referendum held pursuant to section 343 of the act; or (3) the Secretary terminates quotas for ELS cotton pursuant to section 371 (a) or (b) of the act.

Prior to the issuance of such regulations, consideration will be given to any data and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D.C., this 18th day of April 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-3685; Filed, Apr. 21, 1960; 8:49 a.m.]

[7 CFR Part 722]

UPLAND COTTON

Marketing Quotas for 1960 and Succeeding Crops

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations for the 1960 and succeeding crops of upland cotton governing the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of upland cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by upland cotton producers, ginners, buyers, warehousemen, and others; and other miscellaneous matters regarding the production and marketing of upland cotton.

A national marketing quota proclamation for the 1960 crop of upland cotton was issued by the Secretary of Agriculture on October 14, 1959, (24 F.R. 8407) and the quota was approved by upland cotton producers voting in a referendum on December 15, 1959. Farm allotments for the 1960 crop of upland cotton were established pursuant to section 344 of the act, and notices thereof were mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

The proposed regulations will supersede the regulations pertaining to marketing quotas for upland cotton of the 1958 and succeeding crops (23 F.R. 3231), as amended, and will apply to the 1960 and succeeding crops of upland cotton. The proposed regulations will be substantially the same as the preceding regulations. The principal proposed changes are (1) revision of the definition of "new cotton farm" and deletion of the definition of "farm base period" to conform to the 1960 acreage allotment regulations; (2) to provide that a marketing card issued to a producer on the farm may be used by another eligible producer on the farm; (3) to provide for the issuance of a different type marketing card for producers who are not eligible for price support or who are not eligible for price support unless price support documents are approved by the county committee; (4) to provide that the county committee, on its own motion or upon request of a representative of the State office, shall revise determinations made by such county committee under the regulations which are found to be in error; and (5) to provide that a producer who pays a proportionate share of the farm marketing quota penalty shall remain liable for the balance of such penalty in case of failure to collect such

balance from other producers on the farm.

It is proposed that the regulations be applicable to upland cotton of the 1960 and succeeding crops, and it is expected that such regulations will, insofar as possible, be permanent subject to any necessary amendments which will include annual amendments to establish the penalty rate and county normal yields for particular years. Such regulations will not be applicable to upland cotton planted in years for which (1) a national marketing quota is not proclaimed pursuant to section 342 of the act; (2) producers have disapproved quotas for upland cotton in a referendum held pursuant to section 343 of the act; or (3) the Secretary terminates quotas for upland cotton pursuant to section 371 (a) or (b) of the act.

Prior to the issuance of such regulations, consideration will be given to any data and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D.C., this 18th day of April 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-3686; Filed, Apr. 21, 1960; 8:49 a.m.]

[7 CFR Part 730]

RICE

Marketing Quota Regulations for 1958 and Subsequent Crop Years

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1351–1356, 1372–1373), to become effective with the 1960 crop of rice, the Department is preparing to formulate and issue amendments to the rice marketing quota regulations. These proposed amendments cover (1) a change in the provision permitting a producer to pay a proportionate part of the penalty or to store or deliver a proportionate part of the excess to avoid or postpone the penalty so as to continue the liability of such producer for the remainder of the penalty on the farm marketing excess notwithstanding the apportionment; (2) deletion of certain provisions with respect to the measurement of farms and definitions of certain terms, since such provisions are now included in Part 718—Determination of Acreage and Performance (22 F.R. 3747), and Part 719—Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages (23 F.R. 6731), and amendments thereto; (3) delegation of certain administrative functions to the county office manager that were previously assigned to the county committee; (4) assignment of specific functions relating to the handling of marketing quota penalties to the county office manager instead of to the treasurer of the county committee; (5) deletion of certain language with respect to the sale of rice obtained by redemption of soil bank delivery orders (CCC Form 382 or CCC Form 103); and (6) miscellaneous changes in language for the purpose of clarification and to obtain uniformity between the rice marketing quota regulations and marketing quota regulations applicable to other basic commodities.

Prior to the issuance of such amendments to the rice marketing quota regulations, consideration will be given to any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, CSS, U.S. Department of Agriculture, Washington 25, D.C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued this 18th day of April 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-3687; Filed, Apr. 21, 1960; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. FSLIC-839]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION; OPERATIONS

Advertising of Rate of Return on Withdrawal Accounts

APRIL 18, 1960.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) be amended by an amendment the substance of which is as follows:

Part 563 aforesaid is hereby amended by adding thereto, immediately after § 563.27, the following new section:

§ 563.27–1 Advertising rate of return on withdrawable accounts.

An insured institution shall not, directly or indirectly, at any time declare, announce, represent, or otherwise advertise to any of its members, or to the public, any rate as a rate or an approximate rate at which or at not less than which it will, or plans, intends, or proposes to, distribute dividends, interest, or other earnings (other than bonus payments under a bonus plan) to holders of any of such institution's withdrawable or repurchasable shares, investment certificates, deposits, or savings accounts—

(a) If such time is more than 30 days prior to the beginning of any period during which or with respect to which such dividends, interest, or other earnings are or would be payable; nor

(b) Before the board of directors of such institution has recorded in its minutes evidence, in a form prescribed by the Board, showing determination by such board of directors, made not more than 30 days prior to the beginning of any such period, that such institution has, or at the time of such distribution will have, available income, surplus, or undivided profits, or a combination of any or all thereof, in an amount sufficient, after provision for compliance with all applicable reserve requirements, for the distribution of such earnings at not less than such rate; nor,

(c) If such rate is higher than the rate at which such earnings were last distributed prior to the date on which such determination is made, until the expiration of a period of 15 days after such institution has mailed a certified copy of that part of such minutes in which said determination is recorded to a supervisory agent of the Board at the Federal Home Loan Bank of which such institution is a member.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than May 23, 1960, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 60-3662; Filed, Apr. 21, 1960; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

In re: Notice of filing of petition for issuance of regulation establishing tolerance for polyoxyethylene (20) sorbitan monostearate in sugar-type confection coatings.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), the following notice is issued:

A petition has been filed by Atlas Powder Company, Wilmington 99, Dela-

ware, proposing the issuance of a regulation to provide for the safe use of polyoxyethylene (20) sorbitan monostearate to impart greater opacity to sugar-type confection coatings, where the total weight of the additive does not exceed 0.20 percent of the weight of the finished sugar coating.

Dated: April 14, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-3647; Filed, Apr. 21, 1960; 8:45 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES; SUBSTANCES GENERALLY RECOGNIZED AS SAFE

Chemicals and Substances Used in the Manufacture of Cotton and Cotton Fabrics for Dry Food Packaging

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055, as amended; 21 U.S.C. 348, 371), the Commissioner of Food and Drugs, pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), proposes to add the following substances that may be found in cotton and cotton fabrics used in dry food packaging to the list of substances generally recognized as safe (Subpart B, § 121.101 (24 F.R. 9368; 25 F.R. 405)):

§ 121.101 Substances that are generally recognized as safe.

* * * * *

(—) Substances migrating to food from cotton and cotton fabrics used in dry food packaging that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Acacia (gum arabic).
Acetic acid.
Beef tallow.
Calcium chloride.
Carboxymethylcellulose.
Coconut oil, refined.
Corn dextrin.
Cornstarch.
Fish oil (hydrogenated).
Gelatin.
Guar gum.
Hydrogen peroxide.
Japan wax.
Lard.
Lard oil.
Lecithin (vegetable).
Locust bean gum (carob bean gum).
Oleic acid.
Peanut oil.
Potato starch.
Sodium acetate.
Sodium bicarbonate.
Sodium carbonate.
Sodium chloride.
Sodium hydroxide.
Sodium sulfate.
Sodium silicate.
Sodium tripolyphosphate.
Sorbose.
Soybean oil (hydrogenated).
Stearic acid.
Talc.
Tall oil.
Tallow (hydrogenated).
Tallow flakes.
Tapioca starch.
Tartaric acid.
Tetra sodium pyrophosphate.
Urea.
Wheat starch.
Zinc chloride.

The Commissioner of Food and Drugs hereby offers an opportunity to all interested persons to present their views in writing with reference to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof, and it is requested that all comments be submitted in quintuplicate.

Dated: April 15, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-3648; Filed, Apr. 21, 1960; 8:45 a.m.]

Public Health Service

[42 CFR Part 71]

FOREIGN QUARANTINE

Exemption From Inspection

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend § 71.46 of the Public Health Service Regulations regarding the conditions under which vessels and aircraft are exempt from quarantine inspection upon arrival at ports of entry under the control of the United States. Interested persons may submit written data, views, or arguments (in duplicate) in regard to the proposed amendments to the Surgeon General of the Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Section 71.46 would be amended to read as follows:

§ 71.46 General provisions.

(a) A vessel or aircraft arriving at a port under the control of the United States shall undergo quarantine inspection prior to entry unless:

(1) In the current voyage the vessel or aircraft has touched only at ports determined by the Surgeon General to present no significant threat of introduction of communicable disease into the United States or its possessions,[1] or

(2) In the current voyage the vessel or aircraft has received pratique at a port under the control of the United States, and since receiving such pratique has touched only at ports determined by the Surgeon General to present no significant threat of introduction of communicable disease into the United States or its possessions,[1] or

(3) The vessel or aircraft possesses a duplicate of a pratique issued at a port in Canada or the Canal Zone, provided that since receiving such pratique the vessel or aircraft has touched only at ports determined by the Surgeon General to present no significant threat of introduction of communicable disease into the United States or its possessions.[1]

(b) A vessel or aircraft otherwise exempt from inspection under the provisions of paragraph (a) of this section shall undergo quarantine inspection prior to entering a port under the control of the United States if the vessel or aircraft:

(1) Has aboard, or during the current voyage has had aboard, a person infected or suspected of being infected with anthrax, chickenpox, cholera, dengue, diphtheria, infectious encephalitis, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, scarlet fever, smallpox, streptococcic sore throat, typhoid fever, typhus, or yellow fever, or

(2) Being exempt from inspection under the provisions of paragraph (a) (1) or (3) of this section, on arrival at its first port under the control of the United States has on board (i) a psittacine bird (see § 71.152), (ii) an animal or article that does not comply with admission requirements contained in § 71.154, § 71.156, or § 71.157.

(c) Notwithstanding the provisions of paragraph (a) of this section, a vessel or aircraft:

(1) Shall comply with any conditions and carry out any additional measures specified in the pratique;

(2) Shall, in accordance with instructions of the Chief of the Division of Foreign Quarantine of the Public Health Service, notify the medical officer in charge at the port of entry of any persons aboard who, within 14 days prior to arrival of the vessel or aircraft in the port, have been in a port or area other than those determined by the Surgeon General under paragraph (a) of this section to present no significant threat of introduction of communicable disease into the United States or its possessions; and

(3) May be required, in accordance with instructions of the Chief of the Division of Foreign Quarantine of the Public Health Service, to undergo quarantine inspection if the medical officer in charge has reason to believe that the entry of the vessel or aircraft would be likely to cause the introduction of communicable disease.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply secs. 361-369, 58 Stat. 703-706, 42 U.S.C. 264-272)

Dated: April 4, 1960.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved: April 18, 1960.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-3666; Filed, Apr. 21, 1960; 8:47 a.m.]

[1] A list of such ports may be obtained from the Surgeon General of the Public Health Service, Washington 25, D.C. Attention: Chief, Division of Foreign Quarantine; or from Public Health Service quarantine stations at United States ports. It is the responsibility of the carrier, however, to ascertain prior to arrival at any port under control of the United States whether any changes have been made in such list.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Agricultural Classification

APRIL 15, 1960.

Pursuant to the decisions in Frances Elizabeth Cain et al., Los Angeles 0145092, etc., and Nick P. Leko et al., Los Angeles 0151065, etc., as modified and approved March 21, 1960, all of the public lands in the following-described townships were classified as unsuitable for agricultural entry under the public land laws:

MOUNT DIABLO MERIDIAN

Tps. 31 and 32 S., R. 38 E.
Tps. 27 and 29 S., R. 39 E.
Tps. 31 and 32 S., R. 41 E.
Tps. 31 and 32 S., R. 42 E.
T. 32 S., R. 43 E.
T. 32 S., R. 44 E.

SAN BERNARDINO MERIDIAN

Tps. 13 and 14 N., R. 9 E.
T. 16 N., R. 11 E.
T. 17 N., R. 12 E.
T. 2 N., R. 17 E., partly unsurveyed.
Tps. 2, 3, and 4 N., R. 18 E.
Tps. 1, 2, 4, 5, 6, and 7 N., R. 19 E.
Tps. 7, 8, 10, 11, and 12 N., R. 1 W.
Tps. 7, 8, 9, and 10 N., R. 2 W.
Tps. 7, 8, 10, and 12 N., R. 3 W.
Tps. 8, 9, and 10 N., R. 4 W.
Tps. 8, 9, 10, and 11 N., R. 5 W.
Tps. 8, 10, 11, and 12 N., R. 6 W.
Tps. 8, 11, and 12 N., R. 7 W.
T. 3 S., R. 15 E.
Tps. 4 and 5 S., R. 15 E., partly unsurveyed.
Tps. 3, 4, and 5 S., R. 16 E., partly unsurveyed.
Tps. 1 and 2 S., R. 17 E., partly unsurveyed.
T. 3 S., R. 17 E.
Tps. 5 and 6 S., R. 17 E., partly unsurveyed.
Tps. 1, 6, and 7 S., R. 18 E.
Tps. 1 and 2 S., R. 19 E., partly unsurveyed.
T. 6 S., R. 19 E.
T. 7 S., R. 19 E., partly unsurveyed.
Tps. 1, 2, 3, and 6 S., R. 20 E., partly unsurveyed.
T. 7 S., R. 20 E.
T. 1 S., R. 21 E., partly unsurveyed.
T. 2 S., R. 21 E.
Tps. 3, 5, and 6 S., R. 21 E., partly unsurveyed.
Tps. 1 and 2 S., R. 22 E., partly unsurveyed.
T. 5 S., R. 22 E.

The areas described, including both public and non-public lands, aggregate approximately 1,889,280 acres.

The classification is effective March 21, 1960, the date the decisions were approved by the Department. The classification is based on investigations and studies of the lands involved wherein it has been determined that water of a proper quality or of sufficient quantity as would be required for irrigated crop production is not available and because irrigation development of certain of the lands is not feasible by any practical means. The decision states that all pending agricultural applications, including without limitation homestead and desert land applications, for any of the above-described lands are rejected, and, until further notice, any such application which may be hereafter submitted for any of the public lands involved will not be accepted for filing but will be returned to the applicant, accompanied by a notice stating that the lands have been classified as unsuitable for further agricultural entry and that no right of appeal lies from the refusal to accept the application for filing.

EDWARD WOOZLEY,
Director.

[F.R. Doc. 60-3652; Filed, Apr. 21, 1960; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-97]

CORNELL UNIVERSITY

Notice of Issuance of Construction Permit Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to Construction Permit No. CPRR-31 authorizing Cornell University to construct a 10 watt light water moderated and reflected pool-type nuclear reactor on the University's campus at Ithaca, New York, in accordance with the application for construction permit dated February 17, 1958, as amended, including Amendment No. 5 dated March 3, 1960. The Commission has found that construction of the reactor in accordance with the terms and conditions of the construction permit, as amended, will not present any undue hazards to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the construction of the proposed Zero Power Reactor would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved construction permit.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the construction permit amendment upon receipt of a request therefor from the permittee or an intervener within 30 days after the issuance of the construction permit amendment. For further details see (a) the application for construction permit by Cornell University and amendments thereto, and (b) a hazards analysis of the Zero Power Reactor proposed in the application, as amended, prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 15th day of April 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[Construction Permit No. CPRR-31; Amdt. 2]

Construction Permit No. CPRR-31, as amended, is revised in its entirety to read as follows:

1. By application dated February 17, 1958, and amendments thereto dated May 22, 1958, September 16, 1958, November 20, 1959, December 28, 1959, and March 3, 1960 (hereinafter collectively referred to as "the application"), Cornell University requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation on the Cornell University campus at Ithaca, New York, of a 10-watt light water moderated and reflected pool-type nuclear reactor (hereinafter referred to as "the facility").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The facility will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. Cornell University is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. Cornell University and its contractors, Vitro Engineering Company, a Division of Vitro Corporation of America, and Curtiss-Wright Corporation are technically qualified to design and construct the facility.

E. Cornell University has submitted sufficient information to provide reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to Cornell University will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Cornell University to construct the facility

in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is March 1, 1961. The latest date for completion of the facility is September 30, 1961. The term "completion date" as used herein means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The facility shall be constructed and located at the location in Ithaca, New York, specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless Cornell University has submitted to the Commission, by amendment of the application, additional data to complete the hazards analysis of operation of the proposed reactor and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph 3A. above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Cornell University pursuant to section 104c of the Act, which license shall expire on November 21, 1980.

6. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Cornell University for use in connection with the facility 63.3 kilograms of uranium 235 contained in uranium enriched to approximately 1.5 percent in the isotope uranium 235.

Estimated schedules of special nuclear material transfers to the University and returns to the Commission are contained in Appendix A which is set forth below. Shipments by the Commission to the University in accordance with column (2) in Appendix A will be conditioned upon the University's return to the Commission of material substantially in accordance with column (3) of Appendix A.

Date of issuance: April 15, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

APPENDIX A

Estimated schedule of transfers of special nuclear material from the Commission to the University and to the Commission from the University:

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to the University Kgs. U-235	(3) Returns by the University to AEC Kgs. U-235		(4) Net yearly distribution including cumulative losses Kgs. U-235	(5) Cumulative distribution including cumulative losses. Kgs. U-235
		Recoverable cold scrap	Spent hot fuel		
1960	63.26			63.26	63.26
1961		12.15		(12.15)	51.11
1962 [1]					51.11
1980 [1]					51.11
			[2] 50.60	(50.60)	[3] 0.51
	63.26	12.15	50.60	[2] 0.51	

[1] In years 1962 through 1980 columns (2) through (5) carry the same quantities.
[2] Inventory to be returned.
[3] Fabrication and burnup losses.

[F.R. Doc. 60-3660; Filed, Apr. 21, 1960; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

PORTLAND CEMENT FROM NORWAY

Determination of No Sales at Less Than Fair Value

APRIL 18, 1960.

A complaint was received that Portland cement from Norway was being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Portland cement from Norway is not being, nor likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was determined that for fair value purposes a comparison of the price of the Portland cement sold for home consumption in Norway in ship-sale quantities with the price of the Portland cement sold to the United States was appropriate.

In making the comparison due allowance was made for the higher costs such as financing, advertising, and selling expenses in connection with sales in the home market as compared with those attending selling to the United States. An adjustment was also made for the higher cost of the bags used in the exportation of the cement to the United States. It was also determined that the much greater quantities per order sold to the United States as compared with the relatively small sales to the many home market customers justified a quantity allowance in accordance with the provisions of the Antidumping Act. Purchase price was found to be not lower than the home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-3709; Filed, Apr. 21, 1960; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10900]

ALLEGHENY AIRLINES, INC.

Notice of Proposed Book-Ticket Fare and No-Reservation Fare; Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the prehearing conference in the above-entitled proceeding now assigned to be held on April 26 is postponed to May 3, 1960, 10:00 a.m., e.d.t., in Room 1028, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., April 18, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-3668; Filed, Apr. 21, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2101]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Application for Amendment of License

APRIL 18, 1960.

Public notice is hereby given that Sacramento Municipal Utility District, of Sacramento, California, has filed application under the Federal Power Act (16 U.S.C. 791a–825r) for further amendment of the license for water-power Project No. 2101, under construction on tributaries of the American River in El Dorado County, California, and affecting lands of the United States within the Eldorado National Forest, to exclude therefrom the proposed Sawmill Dam and Reservoir and the presently proposed Robbs Peak Tunnel and to include therein the following proposed project works: Gerle Diversion Dam and Reservoir, comprised of an earth-fill dam about 70 feet high located on Gerle Creek in secs. 15 and 22, T. 13 N., R. 14 E., M.D.B.&M., and a reservoir with gross capacity of 1,100 acre-feet at elevation 5225 at spillway crest; Gerle Canal, connecting Gerle Reservoir and Robbs Peak Reservoir; Robbs Peak Diversion Dam and Reservoir, located on South Fork Rubicon River in sec. 27, T. 13 N., R. 14 E., M.D.B.&M., and Robbs Peak Tunnel, a 13 x 13-foot diameter horseshoe tunnel extending about 17,200 feet from Robbs

Peak Reservoir to Union Valley Reservoir.

Pursuant to section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is May 31, 1960. The application is on file with the Commission for inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3663; Filed, Apr. 21, 1960; 8:47 a.m.]

[Docket No. G-20388 etc.]

TENNESSEE GAS TRANSMISSION CO.

Notice of Applications and Consolidation

APRIL 18, 1960.

In the matter of Tennessee Gas Transmission Company, Docket Nos. G-20388, G-20389 and G-1922.

Take notice that on December 16, 1959, Tennessee Gas Transmission Company (Tennessee) filed an application in Docket No. G-20388, as supplemented on February 10, 1960 and February 29, 1960, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act (Act), authorizing Tennessee to receive deliveries of natural gas on an interruptible basis from Trans-Canada Pipe Lines Limited (Trans-Canada) at the International Boundary near Niagara Falls, New York and to transport and sell such gas through the utilization of Tennessee's existing facilities.

Tennessee proposes to receive up to 204,000 Mcf per day on an interruptible basis from Trans-Canada, delivery of the gas to be made on an "as and when available" basis by Trans-Canada, subject to the ability of Tennessee's existing facilities to receive the interruptible volumes. This proposal is the second of two proposed services contained in the terms of a precedent agreement of August 11, 1955, between Trans-Canada and Tennessee for the purchase and importation of gas into the United States by Tennessee. Furthermore, commencement of the service sought herein, is conditioned upon the inception of the other above-mentioned proposed service hereinafter described.

The first service proposed in the aforementioned precedent agreement of August 11, 1955, was for the purchase and importation by Tennessee of up to 204,000 Mcf of gas per day, on a firm basis at a point on the International Boundary near Emerson, Manitoba. Under an agreement of October 3, 1955, Tennessee assigned its rights and interest to the firm gas proposed for importation at Emerson, to the Midwestern Gas Transmission Company (Midwestern). The Commission subsequently authorized Midwestern, in Opinion No. 331 issued October 31, 1959, to import the 204,000 Mcf per day on a firm basis.

The second proposal agreed upon by Tennessee and Trans-Canada and included in the terms of the aforesaid precedent agreement, and for which authorization is herein sought, is for the importation by Tennessee of up to 204,000 Mcf per day on a long-term interruptible basis at the existing interconnection of the two systems near Niagara Falls, New York. The contract for this long-term interruptible service is to be co-extensive with the term of the Emerson gas purchase contract, which is 25 years. Delivery at Niagara Falls is not to commence until the final execution of a purchase contract between Trans-Canada and Midwestern, and until delivery of firm gas at Emerson, Manitoba, is instituted. Final purchase contract negotiations are pending the receipt by Trans-Canada of the necessary authorizations from the Canadian authorities.[1]

Since delivery of interruptible gas on a long-term basis to Tennessee is subject to the execution of a firm gas contract between Trans-Canada and Midwestern and inception of deliveries thereunder, Tennessee is requesting herein, authority to import interruptible gas at Niagara Falls on a temporary or short-term basis and further, that action on the long-term service be held in abeyance pending completion of final contract negotiations. The proposed short-term service would be for a period of time expiring either:[2]

(a) Upon commencement of the long-term service, or,

(b) Upon termination of the obligations of Tennessee and Trans-Canada to institute the long-term service.

On December 16, 1959, Tennessee filed an application in Docket No. G-20389, as supplemented on December 23, 1959, pursuant to section 3 of the Act, for authorization to import natural gas as proposed and set forth in its application in Docket No. G-20388.

On December 16, 1959, Tennessee filed an application for amendment of its Presidential Permit issued on September 11, 1953 in Docket No. G-1922. Tennessee requests authorization to use existing facilities at the International Boundary at Niagara Falls, New York, for the importation of gas on an interruptible basis from Trans-Canada. The facilities involved consist of approximately 1,250 feet of dual submerged 20-inch pipeline crossing the Niagara River near Niagara Falls. Tennessee's share of the river crossing facilities extends to the center of the river where it meets with facilities owned by Trans-Canada. Connecting facilities, not subject to the Presidential Permit, include 48.6 miles of 20-inch spur line in New York State which extends between the Niagara River crossing and Tennessee's main transmission system in New York.

The original permit authorizing the operation of transmission facilities at the International Boundary was issued in connection with a transportation service by Tennessee for Niagara Gas Transmission, Limited (Niagara). Tennessee was authorized in Docket Nos. G-1921, G-1922 and G-1969, to construct the facilities at the boundary and to transport gas for, and export to, Niagara. The transportation service and export were terminated by mutual agreement on November 5, 1958. In Docket No. G-16843, now pending in the consolidated matters in Docket Nos. G-18877, et al., Tennessee is seeking authority to abandon the transportation service for Niagara and, among other things, to maintain the subject facilities at the boundary for exchange of gas with Trans-Canada in emergency situations.

These matters are interrelated and should be disposed of on a consolidated record.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before the 10th day of May 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The applications are on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3664; Filed, Apr. 21, 1960; 8:47 a.m.]

[1] Trans-Canada received approval from the Canadian National Energy Board April 1, 1960, for the exportation of 204,000 Mcf per day to Midwestern at Emerson, Manitoba, and for exportation of 204,000 Mcf per day to Tennessee at Niagara Falls.

[2] Letter agreement of November 5, 1959, between Tennessee and Trans-Canada.

NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF ORGANIZATION[1]

Public Information Places; Miscellaneous Amendments

Pursuant to the provisions of section 3(a)(1) of the Administrative Procedure Act, 5 U.S.C. 1001, the National Labor Relations Board hereby separately states and concurrently publishes in the Notices section of the FEDERAL REGISTER the following amendments to its description of organization in the field in respect to the places at which the public may secure information or make submittals or requests.

The Board's Subregional Office at Memphis, Tennessee, has been raised to the status of a Regional Office designated as the Twenty-sixth Regional Office, effective April 19, 1960.

The following counties are hereby removed from the Tenth and Fifteenth Regions and placed in the Twenty-sixth Region:

ARKANSAS:[2] Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Dallas,

[1] This amends Description of Organization which appeared at 13 F.R. 3090, with amendments appearing at 13 F.R. 6266, 15 F.R. 973, 16 F.R. 1969, 19 F.R. 1259, 21 F.R. 9914, 22 F.R. 6881, 7216, 24 F.R. 7560, and 25 F.R 2559.

[2] The Arkansas counties were removed from the Fifteenth Region.

Desha, Drew, Hempstead, Howard, Lafayette, Lincoln, Little River, Miller, Nevada, Ouachita, Pike, Sevier, Union.

MISSISSIPPI: [3] Attala, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Grenada, Holmes, Humphreys, Leflore, Lowndes, Monroe, Montgomery, Noxubee, Oktibbeha, Sunflower, Tallahatchie, Washington, Webster, Winston, Yalobusha.

TENNESSEE: [4] Bedford, Cannon, Cheatham, Coffee, Davidson, De Kalb, Dickson, Franklin, Giles, Hickman, Houston, Humphreys, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Perry, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Wayne, Williamson, and Wilson.

In addition, the Board has transferred the following thirteen counties in the State of New York from the Second (New York) to the Third Region (Buffalo): Albany, Columbia, Clinton, Dutchess, Essex, Greene, Rensselaer, Saratoga, Schenectady, Sullivan, Ulster, Warren, and Washington effective May 2, 1960.

The addresses of the Regional and Subregional offices appearing at 25 F.R. 2559 are corrected by striking therefrom the words "Thirty-second Subregion—Memphis, Tenn., 714 Falls Building, 22 North Front Street" and substituting therefor the words "Twenty-sixth Region—Memphis, Tenn., 714 Falls Building, 22 North Front Street."

(Sec. 6, 49 Stat. 452, as amended; 29 U.S.C. 156)

Dated, Washington, D.C., April 19, 1960.

By direction of the Board.

[SEAL] OGDEN W. FIELDS,
Executive Secretary.

[F.R. Doc. 60-3657; Filed, Apr. 21, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12263; FCC 60-396]

INTERNATIONAL TELECOMMUNICATION UNION

Radio Regulations

In the matter of revision of radio regulations of International Telecommunication Union; Docket No. 12263.

1. This Docket invited comments from interested parties concerning United States proposals for revising the Radio Regulations of the International Telecommunication Union (ITU) at the Ordinary Administrative Radio Conference, Geneva, Switzerland, which adjourned December 21, 1959, with the signing by appropriate Delegates present of the Final Acts of both the Plenipotentiary and Administrative Radio Conferences.

2. It is concluded that Docket No. 12263 has served its purpose, in view of the signing of the Final Acts of the Administrative Radio Conference, which included the revised Radio Regulations of the ITU scheduled to become effective, generally, May 1, 1961.

3. In view of the foregoing: *It is ordered,* That effective immediately, Docket No. 12263 be closed.

Adopted: April 13, 1960.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3669; Filed, Apr. 21, 1960; 8:47 a.m.]

[Docket No. 13461; FCC 60M-668]

J. P. BEACOM ET AL.

Order Scheduling Hearing

In re application of J. P. Beacom (Transferor), and Thomas P. Johnson and George W. Eby (Transferee), Docket No. 13461, File No. BTC-3360; for consent to the relinquishment of positive control of WJPB-TV, Inc., permittee of station WJPB-TV Weston, West Virginia.

It is ordered, This 14th day of April 1960 that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 20, 1960, in Washington, D.C.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3670; Filed, Apr. 21, 1960; 8:48 a.m.]

[Docket Nos. 13466-13468; FCC 60M-670]

BRANDYWINE BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Brandywine Broadcasting Corporation, Media, Pennsylvania, Docket No. 13466, File No. BP-11856; David G. Hendricks and Lester Grenewalt, d/b as Boyertown Broadcasting Company, Boyertown, Pennsylvania, Docket No. 13467, File No. BP-12548; Dinkson Corporation, Hammonton, New Jersey, Docket No. 13468; File No. BP-12955; for construction permits.

It is ordered, This 14th day of April 1960, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 13, 1960, in Washington, D.C.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3671; Filed, Apr. 21, 1960; 8:48 a.m.]

[Docket Nos. 13462-13465; FCC 60M-669]

BROCKWAY CO. (WMSA) ET AL.

Order Scheduling Hearing

In re applications of the Brockway Company (WMSA), Massena, New York, Docket No. 13462, File No. BP-12290; Twin State Broadcasters, Inc. (WTWN), St. Johnsbury, Vermont, Docket No. 13463, File No. BP-13040; Trustees of Dartmouth College (WDCR), Hanover New Hampshire, Docket No. 13464, File No. BP-13112; WIRY, Inc. (WIRY), Plattsburg, New York, Docket No. 13465, File No. BP-13631, for construction permits.

It is ordered, This 14th day of April 1960, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 13, 1960, in Washington, D.C.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3672; Filed, Apr. 21, 1960; 8:48 a.m.]

[Docket Nos. 13469-13471; FCC 60M-671]

WILMER E. HUFFMAN ET AL.

Order Scheduling Hearing

In re applications of Wilmer E. Huffman, Pratt, Kansas, Docket No. 13469, File No. BP-12021; Francis C. Morgan, Jr., Larned, Kansas, Docket No. 13470, File No. BP-12749; Pier San, Inc., Larned, Kansas, Docket No. 13471, File No. BP-12750; for construction permits.

It is ordered, This 14th day of April 1960, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 13, 1960, in Washington, D.C.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3673; Filed, Apr. 21, 1960; 8:48 a.m.]

[Docket Nos. 12680, 12681; FCC 60M-678]

KANSAS BROADCASTERS, INC., AND SALINA RADIO, INC.

Order Scheduling Prehearing Conference

In re applications of Kansas Broadcasters, Inc., Salina, Kansas, Docket No. 12680, File No. BP-11527; Salina Radio, Inc., Salina, Kansas, Docket No. 12681, File No. BP-11802; for construction permits.

A further hearing conference in the above-entitled proceeding will be held on Thursday, April 21, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

[3] The Mississippi counties were removed from the Fifteenth Region.

[4] The Tennessee counties were removed from the Tenth Region.

It is so ordered, This the 15th day of April 1960.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3674; Filed, Apr. 21, 1960; 8:48 a.m.]

[Docket No. 13222 etc.; FCC 60M-679]

MICHIGAN BROADCASTING CO. (WBCK) ET AL.

Order Scheduling Hearing

Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, et al., Docket Nos. 13222, 13223, 13224, 13225, 13226, 13227, 13228, 13229, 13230, 13231, 13232, 13233, 13235 13236, 13237, 13239, 13240, 13241, 13242, 13243, 13245, 13246, 13247, 13248, 13249, 13250, 13251, File No. BP-11439; for construction permits.

Pursuant to agreement arrived at during the prehearing conference held on this date, the evidence with respect to Group 2 of the above-entitled proceeding will be heard in three steps:

1. Evidence with respect to the engineering issues.
2. Evidence with respect to the 307(b) issue.
3. Evidence with respect to the remaining issues in the proceeding.

It is further agreed and: *It is so ordered,* This 15th day of April 1960, that the following dates shall govern:

STEP 1

Exchange of additional engineering data requested by the Broadcast Bureau on the record during the prehearing conference: May 6, 1960.
Notification of engineering witnesses desired for cross-examination: May 13, 1960.
Hearing: May 23, 1960.

STEP 2

Exchange of exhibits relating to 307(b) issue: May 27, 1960.
Hearing on direct phases of this step of the case, at which time notification of witnesses desired for cross-examination will be made: June 13, 1960.
Cross-examination of witnesses: July 19, 1960.

STEP 3

Exchange of exhibits relating to remaining issues: June 30, 1960.
Notification of witnesses desired for cross-examination: July 14, 1960.
Hearing on direct phases of this step of case: July 21, 1960.

It is further ordered, That the hearing in this proceeding will commence on May 23, 1960, at 10 a.m., in Washington, D.C.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3676; Filed, Apr. 21, 1960; 8:48 a.m.]

[Docket Nos. 13276-13279; FCC 60M-680]

LARAMIE BROADCASTERS ET AL.

Order Continuing Hearing

In re applications of Grady Franklin Maples, Edna Hill Maples, George G. Entz and William R. Vogel d/b as Laramie Broadcasters, Laramie, Wyoming, Docket No. 13276, File No. BP-12166; Garden of the Gods Broadcasting Company (KCMS), Manitou Springs, Colorado, Docket No. 13277, File No. BP-12339; Boulder Radio KBOL, Inc. (KBOL), Boulder, Colorado, Docket No. 13278, File No. BP-12572; T. I. Moseley, Denver, Colorado, Docket No. 13279, File No. BP-13147; for construction permits.

The Hearing Examiner having under consideration a request (petition) for a continuance of all scheduled dates in this proceeding for a period of thirty (30) days filed by T. I. Moseley on April 11, 1960;

It appearing that under existing arrangements the following schedule was established:

(a) Preliminary exchange of engineering exhibits on April 18, 1960;

(b) Final exchange of engineering exhibits on May 4, 1960;

(c) Commencement of hearing on May 18, 1960; and

It further appearing that the pending request initially received consent of all parties but that the Broadcast Bureau changed its position since it could not consent to a continuance for the sole purpose of permitting Moseley to file a petition to amend; and

It further appearing that since the parties relied in good faith upon a continuance for the exchange of exhibits and the Broadcast Bureau has no objection to such continuance provided it is understood that the basis is not to permit requests for amendments it would be equitable in this instance to allow an additional thirty (30) days for exchanging exhibits with a continuance of the hearing date necessarily ensuing from this;

It is ordered, This 15th day of April 1960, that the request for continuance is granted and the following schedule will be observed:

(a) Preliminary exchange of engineering exhibits on May 13, 1960;

(b) Final exchange of engineering exhibits on June 3, 1960; and

(c) Commencement of hearing on June 15, 1960.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3675; Filed, Apr. 21, 1960; 8:48 a.m.]

[Docket No. 13394; FCC 60M-681]

OIL TRANSPORT CO., INC.

Order Continuing Hearing

In the matter of Oil Transport Co., Inc., 2837 Tchoupitoulas Street, New Orleans, Louisiana, Docket No. 13394; order to show cause why there should not be revoked the license for Radio Station WC-5908 aboard the vessel "Susan Houghland."

The Hearing Examiner having under consideration a "Motion to Continue Proceedings," filed in the above-entitled proceeding by the Chief of the Commission's Safety and Special Radio Services Bureau on April 6, 1960, in which a continuance of the hearing without date is requested in order to afford the Chief Hearing Examiner an opportunity to act on the respondent's petition to change the location of the hearing and the Bureau's Counsel an opportunity to explore with respondent's counsel the possibility of proceeding on the basis of written evidence in lieu of an oral evidentiary hearing;

It appearing that a sufficient showing of good cause for a reasonable continuance has been made but that the hearing should be continued nevertheless to a date certain;

It appearing further that no opposition has been filed to the Bureau's motion;

It is ordered, This 18th day of April 1960, that the motion for an indefinite continuance filed by the Chief of the Commission's Safety and Special Radio Services Bureau is granted in part and that the hearing is continued to 10:00 a.m., Monday, May 9, 1960, at the Commission's offices, Washington, D.C.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3677; Filed, Apr. 21, 1960; 8:48 a.m.]

[Docket No. 13472; FCC 60M-672]

PIONEER BROADCASTING CO. (KNOW)

Order Scheduling Hearing

In re application of Pioneer Broadcasting Company (KNOW), Austin, Texas, Docket No. 13472, File No. BP-12736; for construction permit.

It is ordered, This 14th day of April 1960, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 20, 1960, in Washington, D.C.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3678; Filed, Apr. 21, 1960; 8:48 a.m.]

TALIESIN BROADCASTING CO. AND DOUGLAS G. OVIATT & SON, INC.

[Docket Nos. 13473, 13474; FCC 60M-673]

Order Scheduling Hearing

In re applications of Mary W. Carpenter tr/as The Taliesin Broadcasting

Company, Cleveland, Ohio, Docket No. 13473, File No. BPH-2859; The Douglas G. Oviatt & Son, Inc., Cleveland, Ohio, Docket No. 13474, File No. BPH-2914; for construction permits.

It is ordered, This 14th day of April 1960, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 21, 1960, in Washington, D.C.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3679; Filed, Apr. 21, 1960; 8:48 a.m.]

[Docket Nos. 12457, 13434; FCC 60M-674]

CLARENCE E. WILSON AND MORTON BROADCASTING CO.

Order Continuing Hearing Conference

In re applications of Clarence E. Wilson, Hobbs, New Mexico, Docket No. 12457, File No. BP-11817; Mike Allen Barrett, tr/as Morton Broadcasting Company, Morton, Texas, Docket No. 13434, File No. BP-13393; for construction permits.

On the oral request of counsel for Morton Broadcasting Company and without objection by counsel for Wilson and the Broadcast Bureau: *It is ordered,* This 15th day of April 1960, that the prehearing conference now scheduled for April 22 is continued to Friday, April 29, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3681; Filed, Apr. 21, 1960; 8:49 a.m.]

[Docket Nos. 13318, 13319; FCC 60M-675]

UNITED ELECTRONICS LABORATORIES, INC., AND KENTUCKIANA TELEVISION, INC.

Order Continuing Hearing

In re applications of United Electronics Laboratories, Inc., Louisville, Kentucky, Docket No. 13318, File No. BPCT-2640; Kentuckiana Television, Incorporated, Louisville, Kentucky, Docket No. 13319, File No. BPCT-2652; for construction permits for new television broadcast stations (Channel 51).

The Hearing Examiner having under consideration petition filed by Kentuckiana Television, Incorporated, on April 15, 1960, requesting continuance of the dates for hearing and exchange of exhibits scheduled herein;

It appearing that counsel for all other parties have consented to immediate consideration of the petition;

It further appearing that the applicants have been conferring with each other as to the possibility of merging their respective interests, thus making a comparative hearing for use of Channel 51 in Louisville, Kentucky, unnecessary; that the avoidance of a comparative hearing would probably make possible the establishment of this UHF facility at an earlier date than would be possible if a full comparative hearing should be required; and that good cause has been shown for a reasonable continuance herein;

It is ordered, This 15th day of April 1960, that the above petition is granted; the hearing now scheduled for May 23, 1960, is continued until July 25, 1960, at 10:00 a.m.; and the date for exchange of exhibits is postponed from April 15 to June 15, 1960.

Released: April 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3680; Filed, Apr. 21, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 19, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36163: *Fertilizers—Southern points to Texas points (for export to Mexico).* Filed by O. W. South, Jr., Agent (SFA No. A3935), for interested rail carriers. Rates on fertilizer and fertilizer materials, dry, as described in the application, in carloads from Pace, Fla., West Henderson, Ky., Yazoo City, Miss., and Woodstock, Tenn., to Brownsville, Eagle Pass, El Paso, Hidalgo, Laredo and Presidio, Tex. (for export to Mexico).

Grounds for relief: Market competition.

Tariff: Supplement 184 to Southwestern Freight Bureau tariff I.C.C. 4098.

FSA No. 36164: *Substituted service—IC for Campbell Sixty-Six Express, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 11), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Birmingham, Ala., Jackson, Miss., Memphis, Tenn., and New Orleans, La., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 219.

FSA No. 36165: *Substituted service—IC for Campbell Sixty-Six Express, Inc., et al.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 12), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars (1) between Memphis, Tenn., on the one hand, and Birmingham, Ala., Jackson, Miss., and New Orleans, La., on the other, and (2) between Jackson, Miss., and New Orleans, La., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 219.

FSA No. 36166: *Petroleum products—Arkansas and Louisiana to the East.* Filed by Southwestern Freight Bureau, Agent (No. B-7778), for interested rail carriers. Rates on lubricating oil and grease, in carloads and tank-car loads from specified Arkansas and Louisiana points to specified points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, also Washington, D.C.

Grounds for relief: Truck-water-truck competition.

Tariff: Supplement 206 to Southwestern Freight Bureau tariff I.C.C. 4150.

FSA No. 36167: *Methanol—Sterlington, La., to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-7781), for interested rail carriers. Rates on methanol (methyl alcohol), in tank-car loads from Sterlington, La., to Chicago, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 177 to Southwestern Freight Bureau tariff I.C.C. 4064.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36168: *Methanol—Sterlington, La., to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-7780), for interested rail carriers. Rates on methanol (methyl alcohol), in tank-car loads from Sterlington, La., to Chicago, Ill.

Grounds for relief: Maintenance of proposed rates without requiring their use as factors in constructing combination rates lower than present through one-factor rates from or to points beyond the considered points.

Tariff: Supplement 177 to Southwestern Freight Bureau tariff I.C.C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-3653; Filed, Apr. 21, 1960; 8:46 a.m.]

[Notice 300]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 19, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsid-

eration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62945. By order of April 15, 1960, the Commission, Division 4, acting as an Appellate Division, approved the transfer to Jersey Seaboard Lines, Inc., Spring Lake, N.J., of that portion of the operating rights issued to Leitner's Express and Trucking Corporation, Keansburg, N.J., October 20, 1955, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Hudson, Essex, Union, Middlesex, Monmouth, Ocean, Somerset, Morris, and Warren Counties, N.J., on the one hand, and, on the other, New York, N.Y. George A. Olsen, 90 Tonnele Avenue, Jersey City 6, N.J., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-3654; Filed, Apr. 21, 1960; 8:46 a.m.]

[No. 31663]

COMMUTATION FARES BETWEEN NEW YORK, NEW JERSEY, AND PENNSYLVANIA

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of April A.D. 1960.

Upon consideration of the record in the above-entitled proceeding, petition of The Pennsylvania Railroad Company filed February 18, 1960, for leave to file application for modification of the Commission's order dated October 17, 1955 in the instant proceeding, as modified by order dated October 25, 1957, in Docket No. 32140 involving a proposed increase in commutation passenger fares in the Northern New Jersey-New York area for distances under fifteen miles, and the answer and protest thereto by the State of New Jersey dated March 8, 1960; and for good cause appearing:

It is ordered, That the petition for leave to file an application for modification of the Commission's order dated October 17, 1955 in Docket No. 31663, as modified by order dated October 25, 1957, in Docket No. 32140 concerning commutation passenger fares for distances under fifteen miles in the Northern New Jersey-New York area be, and it is hereby, granted.

It is further ordered, That the application be docketed under the above number and title.

It is further ordered, That this proceeding be, and it is hereby reopened for oral hearing to the extent necessary to determine whether the Commission's order of October 17, 1955, in the instant proceeding, as modified by order dated October 25, 1957, in Docket No. 32140 should be modified, said hearing to be held at a time and place to be hereinafter designated.

It is further ordered, That the State of New Jersey be, and it is hereby, recognized as a party to this reopened proceeding for the purpose of producing evidence and cross-examining witnesses.

And it is further ordered, That a copy of this order shall be served upon the petitioner, the Governor of the State of New Jersey, and the parties of record in Docket Nos. 31663 and 32140, and filed with the Board of Public Utility Commissioners, Newark, N.J., and the Director, Office of the Federal Register, Washington, D.C.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-3655; Filed, Apr. 21, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3873]

JERSEY CENTRAL POWER & LIGHT CO. AND GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issuance and Sale of Common Stock and First Mortgage Bonds

APRIL 15, 1960.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and Jersey Central Power & Light Company ("Jersey Central"), one of its public-utility subsidiaries, have filed with this Commission an application, pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(b), 9(a) and 10 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application on file in the offices of the Commission for a statement of the proposed transactions which are summarized as follows:

Jersey Central proposes to issue and sell to GPU, and GPU proposes to acquire, 300,000 shares of additional common stock of a par value of $10 per share for an aggregate cash consideration of $3,000,000. Following the sale of such common stock, Jersey Central proposes to issue and sell $10,000,000 principal amount of additional First Mortgage Bonds, pursuant to the competitive bidding requirements of Rule 50. The new bonds are to be dated June 1, 1960, to mature June 1, 1990, and are to be issued under the Indenture dated March 1, 1946, between Jersey Central and First National City Trust Company (formerly City Bank Farmers Trust Company), Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Supplemental Indenture to be dated as of June 1, 1960. The interest rate on the new bonds (which shall be a multiple of ⅛ of 1 percent) and the price to the company for such bonds (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount of the bonds) will be determined by competitive bidding.

Jersey Central will use the proceeds of the sale of the additional shares of common stock and of the new bonds to finance, in part, its 1960 construction program estimated at $18,400,000 and, in part, to repay bank loans and partially reimburse its treasury for previous expenditures for construction purposes.

The fees and expenses to be incurred by GPU are estimated at $1,000 and those of Jersey Central at $6,000 for the issuance, sale, and acquisition of the common stock. The latter figure includes a Federal issue tax of $3,000, legal fees of $1,000 and the New Jersey filing fees of $1,389. Jersey Central's expenses in connection with the issuance and sale of the new bonds are estimated at $61,000, including Federal issue tax of $11,000, printing and engraving costs of $24,000, legal fees of $8,600, accounting fees of $3,000 and the Trustee's fee of $6,200. The fees to be paid to counsel to the successful bidders, which are to be paid by the bidders, will be supplied by amendment.

The application states that the Board of Public Utility Commissioners of the State of New Jersey has jurisdiction over the proposed transactions by Jersey Central and that a copy of the order of that commission authorizing the transactions will be supplied for the record herein by amendment. It is further stated that no other State and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 5, 1960, at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F.R. Doc. 60-3659; Filed, Apr. 21, 1960; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.